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ACCEPTED BY THE BOARD OF SUPERVISORS
OF SANTA CLARA COUNTY AUG 9 1983
DONALD M. RAINS, Clerk of the Board
BY Rachel Robles
Deputy Clerk

THE SANTA CLARA COUNTY

MODEL

HAZARDOUS MATERIALS STORAGE PERMIT

ORDINANCE

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THE SANTA CLARA COUNTY HAZARDOUS
MATERIALS MODEL CODE TASK FORCE

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IN CONJUNCTION WITH

THE SANTA CLARA COUNTY
CITY MANAGERS ASSOCIATION

AS APPROVED BY
SANTA CLARA COUNTY INTERGOVERNMENTAL COUNCIL
MAY 5, 1983

AUG 09 1983

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May 5, 1983

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MODEL ORDINANCE

May 5, 1983

RECITATIONS:

WHEREAS, a number of facilities in the city* store hazardous materials in the normal course of conducting their operations; and

WHEREAS, the public health, safety, and welfare of the citizens of the city* may be endangered by the improper storage of such hazardous materials; and

WHEREAS, it is necessary for protection of all citizens that the storage of hazardous materials be regulated; and

WHEREAS, (EIR clearance).

NOW, THEREFORE, BE IT ORDAINED . . .

CHAPTER _____

HAZARDOUS MATERIALS STORAGE PERMIT

PART I

GENERAL PROVISIONS

I.01 Purpose.

The purpose of this chapter is the protection of health, life, resources, and property through prevention and control of unauthorized discharges of hazardous materials.

I.02 General Obligation - Safety and Care.

A. No person, firm or corporation shall cause, suffer, or permit the storage of hazardous materials:

1. In a manner which violates a provision of this chapter or any other local, federal, or state statute, code, rule, or regulation relating to hazardous materials; or
2. In a manner which causes an unauthorized discharge of hazardous materials or poses a significant risk of such unauthorized discharge.

B. City* shall have discretion to exempt an applicant from any specific requirement of this Chapter, other than the requirement

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for secondary containment in underground storage facilities, except as provided in Section III.02.C.4, or to require applicant to meet additional or modified requirements, where such action would be appropriate and consistent with achieving the general obligation of this Chapter for protecting public health, safety, and welfare.

I.03 Specific Obligation.

- A. Any person, firm, or corporation which stores any material regulated by Section II.01 which is not excluded by Section II.02 shall obtain and keep current a Hazardous Materials Storage Permit.
- B. All such hazardous materials shall be contained in conformity with Part III of this Chapter.
- C. The storage of such hazardous materials shall be in conformance with the approved Hazardous Materials Management Plan.

I.04 Definitions.

Unless otherwise expressly stated, whenever used in this Chapter, the following terms shall have the meanings set forth below:

- A. Abandoned, when referring to a storage facility, means out of service and not safeguarded in compliance with this Chapter.
- B. Facility means a building or buildings, appurtenant structures, and surrounding land area used by a single business entity at a single location or site.
- C. Hazard class means Explosives A, Explosives B, Explosives C, Blasting agents, Flammable liquids, Combustible liquids, Flammable solids, Oxidizers, Organic peroxides, Corrosive materials, Flammable gases, Nonflammable gases, Poisons A, Poisons B, Irritating materials, Etiologic agents, Radioactive materials, Other Regulated Materials (ORM) A, B, C, D and E. For purposes of this Chapter, the U.S. Department of Transportation (DOT) definitions in 49 CFR Part 173 as amended shall be utilized; however, whenever the definitions in 49 CFR 173 refer to transportation or hazards associated with transportation, they shall be deemed to refer to storage or other regulated activity under this Chapter.
- D. Hazardous material means any material which is subject to regulation pursuant to Part II of this Chapter. A mixture shall be

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deemed to be a hazardous material if it either is a waste and contains any material regulated pursuant to Part II of this Chapter, or is a nonwaste and contains one percent (1%) by volume or more of any material regulated pursuant to Part II of this Chapter.

E. Officer means the employee assigned by city* to administer this Chapter or any designee of such employee.

F. Permit means any Hazardous Materials Storage Permit issued pursuant to this Chapter, as well as any additional approvals thereto.

G. Permit quantity limit means the maximum amount of hazardous material that can be stored in a storage facility. Separate permit quantity limits will be set for each storage facility for which a permit is obtained in accordance with the requirements of this Chapter.

H. Permittee means any person, firm, or corporation to whom a permit is issued pursuant to this Chapter and any authorized representative, agent or designee of such person, firm, or corporation.

I. Pipes means pipeline systems which are used in connection with the storage of hazardous materials exclusively within the confines of a facility and which are not intended to transport hazardous materials in interstate or intrastate commerce or to transfer hazardous materials in bulk to or from a marine vessel.

J. Primary containment means the first level of containment, i.e. the inside portion of that container which comes into immediate contact on its inner surface with the hazardous material being contained.

K. Product-tight means impervious to the hazardous material which is contained, or is to be contained, so as to prevent the seepage of the hazardous material from the primary containment. To be product-tight, the container shall be made of a material that is not subject to physical or chemical deterioration by the hazardous material being contained.

L. Secondary containment means the level of containment external to and separate from the primary containment.

M. Single-walled means construction with walls made of but one

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thickness of material. Laminated, coated, or clad materials shall be considered as single-walled.

N. Storage facility means any one or combination of tanks, sumps, wet floors, waste-treatment facilities, pipes, vaults or other portable or fixed containers, used, or designed to be used, for the storage of hazardous materials at a facility.

O. Sump means a pit or well in which liquids collect.

P. Unauthorized discharge means any release or emission of any hazardous material which does not conform to the provisions of this Chapter, unless such release is in accordance with the release regulations of the Bay Area Air Quality Management District and California Air Resources Board, with a National Pollutant Discharge Elimination System Permit, with waste discharge requirements established by the Regional Water Quality Control Board pursuant to the Porter Cologne Water Quality Act, or with local sewer pretreatment requirements for Publicly Owned Treatment Works. (See footnote.)

Q. Wet floor means a floor which is used to routinely collect, contain or maintain standing liquids or to transmit standing liquids on a more or less continuous basis.

I.05 Professional Assistance for City Determinations

Whenever the approval or satisfaction of city* may be required in this Chapter for a design, monitoring, testing or other technical submittal by an applicant or permittee, city* may, in its discretion, require such applicant or permittee, at such applicant's or permittee's sole cost and expense, to retain a suitably qualified independent engineer, or chemist, or other appropriate professional consultant, acceptable to city*, for the purpose of evaluating and rendering a professional opinion respecting the adequacy of such submittal to achieve the purposes of this Chapter. City* shall be entitled to rely on such evaluation and/or opinion of such engineer, chemist or professional consultant in making the relevant determinations provided for in this Chapter.

Footnote: Controlling agencies may differ for different local jurisdictions.

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PART II

MATERIALS REGULATED

II.01 Materials Regulated.

The materials regulated by this Chapter, shall consist of the following:

- A. Any material listed as a hazardous and/or extremely hazardous material or hazardous and/or extremely hazardous waste in Sections 66680 and 66685 of Title 22 of the California Administrative Code, as amended, whether such material is stored or handled in waste or nonwaste form; or
- B. Any material which is listed on the list of Environmental Protection Agency (EPA) pollutants, 40 Code of Federal Regulations, Section 401.15, as amended; or
- C. Any material which is classified by the National Fire Protection Association (NFPA) as either a flammable liquid, a Class II combustible liquid or a Class IIIA combustible liquid; or
- D. Any material which is listed by the Director of the Department of Industrial Relations in Title 8, California Administrative Code §339, as amended, excluding all footnotes thereto and subject to the exclusions specified in this subsection. Such exclusions shall apply only to materials which are not otherwise regulated pursuant to this Section II.01. These exclusions shall be as follows:

- 1. Materials recognized in the official United States Pharmacopoeia, official Homoeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them if such materials are intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals; hormones; enzymes; and aflatoxins.
- 2. Aluminum salts; Asphalt fumes; Atrazine; Benomyl; Bis (dimethylthiocarbamoyl) disulfide; Boron oxide; 4-tert-Butyl-2-chlorophenyl-methyl

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methylphosphoramidate; Camphor; Carbon black; 2-Chloro-6 (trichloromethyl) pyridine; Clopidol; Coal tar pitch volatiles; Cotton dust, Dibenzoyl peroxide (Benzoyl peroxide); Dicyclopentadienyl iron; 3,5-Dinitro-o-toluidine; 2,6-Di-tert-butyl-p-cresol; Ferbam; Fumaric acid; Glass, fibrous or dust; Graphite, Helium; Iron oxide; Iron salts; Magnesium oxide; Mica; Mineral wool fiber; Oil mist; Phenothiazine; Phenyl ether; Phenyl ether-diphenyl (eutectic mixture), vapor; Phthalic anhydride; m-Phthalodinitrile; Polytetrafluoroethylene Decomposition products; Rhodium salts; Rosin core solder; Rotenone, commercial; Silica, Soapstone, Talc; Tantalum oxide; Terphenyls; and 4,4'-Thiobis (6-tert-butyl-m-cresol)

E. Any material which has been determined to be hazardous based upon any appraisal or assessment by or on behalf of the party storing this material in compliance with the requirements of the EPA or the California Department of Health Services, or which should have been, but was not, determined to be hazardous due to the deliberate failure of the party storing the material to comply with the requirements of the EPA and/or the Department of Health Services; or

F. Any material which has been determined by the party storing it, through testing or other objective means, to be likely to create a significant potential or actual hazard to public health, safety or welfare. This subsection shall not establish a requirement to test for the purposes of this Chapter.

II.02 Exclusions.

This Chapter does not apply to the following:

A. Certain Elemental Metals.

The following elemental metals included within the purview of Section II.01 shall not be considered hazardous materials for purposes of this Chapter unless they are stored in a friable, powdered or finely divided state: Aluminum, Beryllium, Cadmium, Chromium,

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Copper, Lead, Manganese, Molybdenum, Nickel, Rhodium, Silver, Tellurium, Tin, and Zinc. Furthermore, Tantalum, Titanium, Tungsten, and Uranium shall be excluded from regulation under this Chapter.

B. Retail Products.

Hazardous materials when contained solely in consumer products packaged for distribution to, and use by, the general public or commercial products used at the facility solely for janitorial or minor maintenance purposes such as paint thinner or wax strippers.

C. Feed.

Hazardous materials when contained in a substance intended for use as animal feed.

D. Work Station.

Hazardous materials located at a work station in a quantity reasonably required for use as determined by city* under the circumstances.

E. Exemption.

The city* shall exempt any material from the requirements of this Chapter where it has been demonstrated to the satisfaction of city* that the material in the quantity and/or solution stored does not present a significant actual or potential hazard to the public health, safety or welfare.

PART III

CONTAINMENT STANDARDS

III.01 Containment of Hazardous Materials.

No person, firm or corporation shall store any hazardous materials regulated by this Chapter until a permit or approval has been issued pursuant to this Chapter. No permit or approval shall be granted pursuant to this Chapter unless permit applicant demonstrates to the satisfaction of city*, by the submission of appropriate plans and other information, that the design and construction of the storage facility will result in a suitable manner of storage for the hazardous material or materials to be contained therein.

All installation, construction, repair or modification, closure, and removal shall be to the satisfaction of city*. City* shall

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have the discretion to exempt an applicant from any specific requirement, other than the requirement of secondary containment for underground storage facilities, except as provided in Section III.02.C.4, or to impose reasonable additional or different requirements in order to better secure the purpose and general obligation of this Chapter for protection of public health, safety, and welfare. The guidelines approved pursuant to Section XIII.02 shall serve as an interpretation of the provisions of this Part addressed in such guidelines.

III.02 New Storage Facilities.

A. No person, firm or corporation shall construct or install any new storage facility until a permit or approval has been issued pursuant to this Chapter.

B. Monitoring Capability.

All new storage facilities intended for the storage of hazardous materials which are liquids or solids at standard temperature and pressure (STP) shall be designed and constructed with a monitoring system capable of detecting that the hazardous material stored in the primary containment has entered the secondary containment. (See Footnote.) Visual inspection of the primary containment is the preferred method; however, other means of monitoring may be required by city*. Where secondary containment may be subject to the intrusion of water, a means of monitoring for such water shall be provided.

Whenever monitoring devices are provided, they shall, where applicable, be connected to attention-getting visual and/or audible alarms.

C. Containment Requirements.

Primary and secondary levels of containment shall be required for all new storage facilities intended for the storage of hazardous materials which are liquids or solids at standard temperature and pressure (STP) unless exempted by city*. (See Footnote.)

Footnote: It is anticipated that a follow-up task force will develop construction and monitoring standards for gases.

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1. All primary containment shall be product-tight.
2. Secondary containment:
 - a. All secondary containment shall be constructed of materials of sufficient thickness, density, and composition so as not to be structurally weakened as a result of contact with the discharged hazardous materials and so as to be capable of containing hazardous materials discharged from a primary container for a period of time equal to or longer than the maximum anticipated time sufficient to allow recovery of the discharged hazardous material.
 - b. In the case of an installation with one primary container, the secondary containment shall be large enough to contain at least 110% of the volume of the primary container.
 - c. In the case of a storage facility with multiple primary containers, the secondary container shall be large enough to contain 150% of the volume of the largest primary container placed in it, or 10% of the aggregate internal volume of all primary containers in the storage facility, whichever is greater.
 - d. If the storage facility is open to rainfall, then the secondary containment must be able to additionally accommodate the volume of a twenty-four (24) hour rainfall as determined by a twenty-five (25) year storm history.
3. Laminated, coated, or clad materials shall be considered single-walled and shall not be construed to fulfill the requirements of both primary and secondary containment.
4. Variance.
 - a. A variance from the requirement for secondary containment for an underground storage facility may be granted upon a written finding by the officer issuing the

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permit, which has been reviewed and approved by the City Council*, that based on the special circumstances:

i. The requirement of secondary containment creates an unusual and particular hardship; and

ii. An equivalent degree of protection is provided by the proposed alternative; and

iii. The proposed alternative has been appropriately so certified in accordance with Section I.05, or has been specified as potentially appropriate for a variance in the guidelines approved pursuant to Section XIII.02.

b. The City Council* shall consider the variance, at a public meeting, at which oral or written presentation on the matter may be made. A notice which includes a statement that a variance from secondary containment for hazardous materials will be considered, and which specifies the address of the facility seeking the variance, and the time and place of the meeting shall be given in the following manner:

i. The City Clerk* shall cause a copy of the notice to be published once in a newspaper of general circulation in the City*, not less than ten (10) days prior to the meeting; and

ii. The City Clerk* shall cause a copy of the notice to be mailed to at least ten (10) days prior to the meeting to any party who files a written request with the City Clerk*, for mailed notice of meetings at which such variance is to be considered. Such written request for notice shall be valid for one year from the date on which it is filed unless a renewal request is filed. Renewal request for such mailed notices shall be filed on or before April 1st of each year.

D. Overfill Protection.

Means of overfill protection may be required for any primary container. This may be an overfill prevention device and/or an attention-getting high level alarm.

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E. Separation of Materials.

Materials that in combination may cause a fire or explosion, or the production of a flammable, toxic, or poisonous gas, or the deterioration of a primary or secondary container shall be separated in both the primary and secondary containment so as to avoid intermixing.

F. Drainage System.

Drainage of precipitation from within a storage facility containing hazardous materials which are liquids or solids at STP shall be controlled in a manner approved by the city* so as to prevent hazardous materials from being discharged. No drainage system will be approved unless the flow of the drain can be controlled.

III.03 Existing Storage Facilities.

Any storage facility in existence as of the effective date of this Chapter, or any storage facility for which a building permit was issued prior to the effective date of this Chapter, which does not meet the standards of Section III.02, may be permitted pursuant to this Chapter as long as it is providing suitable storage for hazardous materials. In addition, storage facilities which contain hazardous materials which are liquids or solids at standard temperature and pressure (STP) must be monitored in accordance with a plan approved by city* as set forth herein. (See footnote.)

A. A monitoring plan for each such storage facility containing hazardous materials which are liquids or solids at STP, shall be submitted to city* as part of the Hazardous Materials Management Plan.

B. Monitoring under such plan shall include visual inspection of the primary containment wherever practical; however, if the visual inspection is not practical, an alternative method of monitoring each storage facility on a semiannual or more frequent basis may be approved by city*.

C. Alternative method(s) of monitoring may include but are not

Footnote: It is anticipated that a follow-up task force will develop construction and monitoring standards for gases.

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limited to: pressure testing of piping systems, groundwater monitoring well(s) which are downgradient and adjacent to the storage facility; vapor analysis within the well(s) where appropriate; and analysis of the soil boring(s) at the time of initial installation of the well(s). The number of well(s), depth of well(s), and sampling frequency shall be approved by the city*.

D. Such monitoring devices and methods, as approved by city*, shall be installed and operating within six (6) months of the issuance of a provisional permit in accordance with Section VIII.05 and Section XIV.02.B.1. City* may grant an extension of this compliance date; however, such extension shall not exceed one (1) additional year. The full term permit may be issued when compliance with this subsection has been achieved.

E. The continued use of, and permit approval for, existing storage facilities is subject to review and modification or termination by city* whenever there has been any unauthorized discharge. It shall also be reviewed by the city* each time the permit is renewed. In determining whether continued storage in such storage facility is suitable, city* shall consider the age of the storage facility, the methods of containment, the methods of monitoring, the feasibility of the required retrofit, the concentration of the hazardous materials contained, the severity of potential unauthorized discharge, and the suitability of other long term preventive measures which meet the intent of this Chapter.

F. Existing storage facilities which are not approved in accordance with this Section must be upgraded to comply with this Chapter or be closed in accordance with Subsection III.04 below within one (1) year of a decision not to issue a full term permit. An extension of time for compliance with this subsection, not to exceed one (1) additional year, may be granted by city*.

III.04 Out of Service Storage Facilities.

- A. No storage facility shall be abandoned.
- B. Storage facilities which are temporarily out of service, and are intended to be returned to use, must continue to be monitored and inspected.

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C. Any storage facility which is not being monitored and inspected in accordance with this chapter must be closed or removed in a manner approved by city* in accordance with Section VIII.08.

D. Any person, firm or corporation having an interest, including a leasehold interest, in real property and having reason to believe that an abandoned storage facility is located upon such property shall make a reasonable effort to locate such storage facility within six (6) months of the effective date of this Chapter.

E. Whenever an abandoned storage facility is located, a plan for the closing or removing or the upgrading and permitting of such storage facility shall be filed within ninety (90) days of its discovery. A closure plan shall conform to the standards specified in Section VIII.08.

III.05 Monitoring.

A. Monitoring Methods. Monitoring methods shall include at least one system for detecting leakage from the primary container. A monitoring system capable of detecting that the hazardous material stored in the primary containment has entered the secondary containment shall be provided. Visual inspection of the primary containment is the preferred method; however, other means of monitoring may be required by city*. Where secondary containment may be subject to the intrusion of water, a means of monitoring for such water shall be provided.

Whenever monitoring devices are provided, they shall, where applicable, be connected to attention-getting visual and/or audible alarms.

B. Monitoring, Testing and Inspection. Every permittee under this Chapter shall provide testing, monitoring (if applicable), and inspections in compliance with the Hazardous Materials Management Plan and shall maintain records adequate to demonstrate compliance therewith.

III.06 Maintenance, Repair or Replacement.

A. Permittee will carry out maintenance, ordinary upkeep, and minor repairs in a careful and safe manner. No permit or other approval will be required for such maintenance and upkeep.

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B. Any substantial modification or repair of a storage facility other than minor repairs or emergency repairs shall be in accordance with plans to be submitted to the city* and approved in accordance with Section VIII.08 prior to the initiation of such work.

C. Permittee may make emergency repairs to a storage facility in advance of seeking an additional permit approval whenever an immediate repair is required to prevent or contain an unauthorized discharge or to protect the integrity of the containment. However, within five (5) working days after such emergency repairs have been started, permittee shall seek approval pursuant to Section VIII.08 by submitting drawings or other information adequate to describe the repairs to city*.

D. Replacement of any storage facility for hazardous materials, which are liquids or solids at STP, must be in accordance with the new installation standards of Section III.02.

III.07 Handling.

A. Dispensing and mixing of hazardous materials must not be done in such a manner as to substantially increase the risk of an unauthorized discharge.

B. When hazardous materials are moved into or out of a storage facility, they shall remain in the travel path only for the time reasonably necessary to transport the hazardous material and such movement shall be in a manner which will not result in an unauthorized discharge.

III.08 Secured Facilities.

Access to the storage facilities shall be secured by means of fences and/or locks. The access to the storage facilities shall be kept securely locked when unattended.

III.09 Emergency Equipment.

Emergency equipment shall be provided which is reasonable and appropriate for potential emergencies presented by the stored hazardous materials. Such equipment shall be regularly tested and adequately maintained.

III.10 Posting of Emergency Procedures.

Simplified emergency procedures shall be posted conspicuously in locations where hazardous materials are stored.

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PART IV

HAZARDOUS MATERIALS MANAGEMENT PLAN

IV.01 Hazardous Materials Management Plan.

Each applicant for a permit pursuant to this Chapter shall file a written plan, for city's* approval, to be known as a Hazardous Materials Management Plan (HMMP), which shall demonstrate the safe storage and handling of hazardous materials. The HMMP may be amended at any time with the consent of city*. The HMMP shall be a public record except as otherwise specified. Approval of the HMMP shall mean that the HMMP has provided adequate information for the purposes of evaluating the permit approval. Such approval shall not be understood to mean that the city* has made an independent determination of the adequacy of that which is described in the HMMP.

IV.02 Standard Form HMMP.

The standard form Hazardous Materials Management Plan must be submitted unless the facility qualifies as a minimal storage site under Section IV.03 below. The HMMP shall include the following:

A. Facility Description.

1. General Information.

The HMMP shall contain the name and address of the facility and business phone number of applicant, the name and titles and emergency phone numbers of the primary response person and an alternate, the number of employees, number of shifts, hours of operation, and principal business activity.

2. General Facility Description.

The HMMP shall contain a map drawn at a legible scale and in a format and detail determined by city*. It shall show the location of all buildings and structures, chemical loading areas, parking lots, internal roads, storm and sewer drains, and shall specify the uses of adjacent properties.

The city* may also require information as to the location of wells, flood plains, earthquake faults,

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surface water bodies, and/or general land uses (schools, hospitals, institutions, residential areas) within one mile of the facility boundaries.

3. Facility Storage Map.

a. The HMMP shall contain a Facility Storage Map at a legible scale for licensing and enforcement purposes. The information in this Section is provided for purposes of ensuring the suitable and secure storage of hazardous materials and for the protection and safety of emergency response personnel of city*. City* shall take reasonable precautions to ensure the confidentiality of the information provided pursuant to this subsection.

The Facilities Storage Map shall indicate the location of each hazardous materials storage facility, including all interior, exterior, and underground storage facilities, and access to such storage facilities. In addition, the map shall indicate the location of emergency equipment related to each storage facility, and the general purpose of the other areas within each facility.

For each storage facility, the map shall contain information as prescribed below; except that where the hazardous material being stored is a trade secret, it shall be identified in a coded manner (together with its key) and not in a manner which would reveal trade secret information:

- (i) a floor plan to scale and the permit quantity limit;
- (ii) for each nonwaste hazardous material which is stored in a quantity greater than the quantities specified in Section V.02 A, the general chemical name, common/trade name, major constituents for mixtures, United Nations (UN) or North America (NA) number, if available, and physical state. For each waste hazardous

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material stored in any quantity within the storage facility, the presence of wastes shall also be indicated;

(iii) for all hazardous materials, including wastes, stored in each storage facility, the hazard class or classes and the quantity range for each such class, aggregated within each storage facility, in the following ranges:

<u>Quantity Range Number</u>	<u>Range Amounts</u>
1	Up to and including 500 pounds for solids, 55 gallons for liquids, and 200 cubic feet at STP for compressed gases;
2	Between 500 and 5,000 pounds for solids, 55 and 550 gallons for liquids, and 200 and 2,000 cubic feet at STP for compressed gases;
3	Between 5,000 and 25,000 pounds for solids, 550 to 2,750 gallons for liquids, and 2,000 to 10,000 cubic feet at STP for compressed gases;
4	Between 25,000 and 50,000 pounds for solids, 2,750 and 5,500 gallons for liquids, and 10,000 and 20,000 cubic feet at STP for compressed gases;
5	More than 50,000 pounds for solids, 5,500 gallons for liquids, and 20,000 cubic feet at STP for compressed gases;

(iv) for materials not regulated under this Chapter, but regulated under the Uniform Fire Code, such as radioactives or cryogenics, or for materials stored in storage facilities exempted by Sections XIII.04.A and XIII.04.B, the city* may require that the hazard class or classes and the quantity range of each such hazard class, using the quantity ranges listed in subsection (iii) above, be provided;

(v) For tanks, the capacity limit of each tank, and the hazardous material contained in each tank by general chemical name,

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common/trade name, major constituents for mixtures, United Nations (UN) or North America (NA) number, if available, and physical state.

b. Due to the threat to the security of the facility posed by the disclosure of the information in the Facility Storage Map, this information shall be maintained by city* for law enforcement purposes only and shall not be made public. Public disclosure of this information could endanger the security of the facility or present a clear danger to public health and safety. City* shall not disclose this information to the public without the consent of the permittee or permit applicant unless ordered to do so by a court of competent jurisdiction. Permittee or permit applicant shall be deemed a real party in interest in any such action. Prompt notice of a lawsuit to compel disclosure shall be given by city* to permittee or permit applicant. However, city* shall be under no duty to prevent disclosures where there has been any unauthorized discharge of hazardous materials stored in storage facility(s) shown on such map or where such disclosure arises out of any official emergency response relating to the storage facility(s).

c. The Facility Storage Map shall be updated annually or whenever an additional approval is required for the facility or whenever the Hazardous Materials Inventory Statement is required to be amended pursuant to Section V.01.

B. Hazardous Materials Inventory Statement.

A Hazardous Materials Inventory Statement shall be filed in accordance with Part V of this Chapter.

C. Separation of Materials.

The HMMP shall contain a description of the methods to be utilized to ensure separation and protection of stored hazardous materials from factors which may cause a fire or explosion,

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or the production of a flammable, toxic, or poisonous gas, or the deterioration of the primary or secondary containment.

D. Monitoring Program.

The HMMP shall contain a description of the location, type, manufacturer specifications (if applicable), and suitability of monitoring methods to be used in each storage facility storing hazardous materials which are liquids or solids at STP. It shall also specify the frequency of inspections of storage facilities which will be conducted by the permittee.

E. Recordkeeping Forms.

The HMMP shall contain an inspection check sheet or log designed to be used in conjunction with routine inspections. The check sheet or log shall provide for the recording of the date and time of inspection and, for monitoring activity, the date and time of any corrective action taken, the name of the inspector, and the countersignature of the designated safety manager for the facility or the responsible official as designated in the HMMP.

F. Emergency Equipment.

The HMMP shall describe emergency equipment availability, testing, and maintenance.

G. Variation in Information.

1. Additional information may be required for the HMMP where such information is reasonably necessary to meet the intent of this Chapter.
2. Requirements for information in the HMMP may be waived where such information is not reasonably necessary to meet the intent of this Chapter.
3. Whenever permittee has submitted a plan which includes substantially the same information as is required for any component(s) of the HMMP to any other public agency regulating hazardous materials, such plan may be submitted to city* in lieu of such component(s). The City may give deference to any approval of such plan by the other public agency.

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IV.03 Short Form HMMP - Minimal Storage Site.

- A. A facility shall qualify as a minimal storage site if the quantity of each hazardous material stored in one or more storage facilities in an aggregate quantity for the facility is 500 pounds or less for solids, 55 gallons or less for liquids, or 200 cubic feet or less at STP for compressed gases.
- B. The applicant for a permit for a facility which qualifies as a minimal storage site may opt to file the short form Hazardous Material Management Plan. Such plan shall include the following components:
1. General application information;
 2. A simple line drawing of the facility showing the location of the storage facilities and indicating the hazard class or classes and physical state of the hazardous materials being stored and whether any of the material is a waste;
 3. The short form HMMP shall also include a carcinogen identification form which shall indicate the storage of any quantity of any carcinogen listed in Sections 5208-5215 and Section 5219 of Title 8 of the California Administrative Code, as amended. This provision will be satisfied by the submittal to City* of a copy of the Carcinogen Registration form submitted to the California Department of Industrial Relations in accordance with the above cited sections of Title 8 of the California Administrative Code, as amended.
 4. Information describing that the hazardous materials will be stored in a suitable manner and will be appropriately contained, separated and monitored;
 5. Description of emergency equipment to be maintained;
 6. Assurance that the disposal of any hazardous materials will be in an appropriate manner.
- C. Where a claim for trade secret protection pursuant to Section V.04 is made for any carcinogen listed in Sections 5208-5215 and Section 5219 of Title 8 of the California Administrative Code, as amended, pursuant to subsection B.3 above, the Carcinogen Identification form to be publicly disclosed shall identify all

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carcinogens not claimed to be trade secrets and it shall indicate the number of carcinogens claimed to be trade secrets.

PART V

HAZARDOUS MATERIALS INVENTORY

V.01

Hazardous Materials Inventory Statement.

A Hazardous Materials Inventory Statement (HMIS) shall be filed with city* in accordance with this Part. Any person, firm, or corporation which stores any hazardous material in an amount which is equal to or greater than the quantities specified in Section V.02.A is required to file an HMIS. Such person, firm or corporation shall amend the HMIS within thirty (30) days of the storage of any hazardous material not listed thereon but required to be listed by Section V.02.A, or of an increase above the quantity range listed in accordance with Section V.02.C. or required to be identified in accordance with Section V.02.D.

V.02

Information Required.

A. Information shall be included in the HMIS for each hazardous material stored in a facility (aggregated over all such material stored in one or more storage facilities) where the aggregate quantity throughout the facility is greater than five hundred (500) pounds in weight for solids, greater than fifty-five (55) gallons for liquids, or greater than two hundred (200) cubic feet at standard temperature and pressure (STP) for compressed gasses.

B. The information in the HMIS shall include either:

1. For non-wastes:

The general chemical name, common/trade name, major constituents for mixtures, the manufacturer, United Nations (UN) or North America (NA) number, if available, and the hazard class or classes and the Material Safety Data Sheet (MSDS) or equivalent information as required by city*.

2. For wastes:

The Department of Health Services manifest for wastes or equivalent information, and the hazard class or classes.

C. In addition, the HMIS shall state the aggregate quantity range stored at the facility of each hazardous material listed in terms

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of the quantity ranges stated in Section IV.02.A.3a (iii) [2-5] above.

D. The HMIS shall also include a carcinogen identification form which shall indicate the storage of any quantity of any carcinogen listed in Sections 5208-5215 and Section 5219 of Title 8 of the California Administrative Code, as amended. This provision will be satisfied by the submittal to City* of a copy of the Carcinogen Registration form submitted to the California Department of Industrial Relations in accordance with the above cited sections of Title 8 of the California Administrative Code, as amended.

E. Where a claim for trade secret protection is made for any hazardous material pursuant to Section V.04, the HMIS to be publicly disclosed shall indicate the number of materials claimed to be trade secrets and the aggregate quantity range stored at the facility for each such hazardous material stated in terms of the quantity ranges set forth in IV.02.A.3a (iii) [2-5]. Where a claim for trade secret protection is made for any carcinogen identified pursuant to subsection D. above, the Carcinogen Registration form to be publicly disclosed shall indicate all carcinogens not claimed to be trade secrets and it shall indicate the number of carcinogens claimed to be trade secrets.

V.03 Public Records.

The HMIS is a public record except that no trade secret shall be disclosed. Any request for a public record hereunder shall be submitted in writing to the city* officer responsible for administering this Chapter.

V.04 Trade Secrets.

A. Permittee or permit applicant may make a claim for the protection of the identity of any hazardous material which is its trade secret by filing a declaration under penalty of perjury on a form provided by city*, signed by the permittee or permit applicant, supporting the trade secret status, for each such hazardous material asserted to be a trade secret. The name of the hazardous material shall not be disclosed on said declaration.

B. The exact name of the trade secret material, its quantity range by storage facility, and all other information required under

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Section V.02.B must, subject to the approval of city*, be placed in a double-keyed lockbox and maintained in at least two locations at the facility. One key shall be provided to city* at the time the permit becomes effective. The other key shall be maintained on site at all times, and readily accessible to permittee's designated emergency response person. Such emergency response person shall cooperate with city* in opening the lockbox at any time city* responds to an emergency or unauthorized discharge on the site involving the storage facility in which the trade secret material is contained. In the event that the permittee's designated emergency response person is not immediately available to assist city* emergency response personnel to open the lockbox, such city* personnel are authorized to break the lockbox.

C. In addition to providing the lockboxes, the permittee or permit applicant shall provide information to the city* under one of the following alternatives:

1. Alternative One.

In lieu of submitting the exact chemical name of said trade secret material, permittee or permit applicant may submit a description of the hazardous material, including but not limited to, the chemical and physical properties, hazard class, reactivity characteristics, fire and explosion characteristics, of the trade secret material, at a level of specificity satisfactory to city*, and on a form provided by city*. The description must include health hazard information including remedies and countermeasures appropriate for emergency response and in case of human exposure to the trade secret material. Such description must be adequate to enable city* to assess the suitability of the proposed containment and the proposed monitoring plan. The description must be certified as accurate, in writing, by a chemist or chemical engineer; or

2. Alternative Two.

Instead of submitting the name of the trade secret to city*, the trade secret information, together with all submittals pursuant to this Chapter, may be submitted to an

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independent chemical engineer or equivalent licensed professional, subject to approval by city*, who shall certify, in writing, the suitability of the containment design, the monitoring methods and plans, and the separation of materials, and the accuracy of the facility storage map with regard to the informatin relevant to the trade secret. All such submittals remain subject to city's* review and approval under this Chapter; or

3. Alternative Three.

The trade secret information sought to be protected may be submitted to city* on a separate form or forms, clearly and conspicuously marked or labeled as containing trade secret information, and said form or forms must be submitted only to a city* official designated by city* to receive trade secret information. If this method of protecting the trade secret information is chosen by permittee or permit applicant, such party shall also submit a waiver, relieving city* of any and all liability resulting from disclosure of the trade secret in violation of this Part.

a. The city* official shall endeavor to protect from disclosure any and all trade secrets which come into the city's* possession pursuant to this subsection. If an action is instituted under California Public Records Act for the release of such trade secrets, the permittee or permit applicant shall be deemed a real party in interest in any such action. Notice of a lawsuit to compel disclosure shall be given by city* to permittee or permit applicant promptly upon receipt of such notice by city*. The permittee or permit applicant shall have the option to defend city* in any such action. The permittee or permit applicant shall indemnify the city* in any such action. The permittee or permit applicant shall indemnify the city* for all city's* attorneys fees, costs

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and expenses incurred in any proceeding related to this Section, as well as for any judgment imposed pursuant to California Government Code Section 6259.

b. Any information reported to the city* officer, under this subsection, which is exempt from disclosure pursuant to this section, shall not be disclosed to anyone other than as required by law, except an officer or employee of the city* in connection with the official duties of such officer or employee under any law for the protection of health, or to contractors with the city* and their employees, if in the opinion of the city* officer such disclosure is necessary and required for the satisfactory performance of a contract for performance of work.

c. Any person who by virtue of employment, contractual relationship or official position has obtained possession of or has had access to information, the disclosure of which is prohibited by this section, and who knowing that disclosure of the information is prohibited, intentionally or recklessly discloses the information in any manner to any person not entitled to receive it, or uses the information for his or her own use or advantage, shall be guilty of a misdemeanor.

d. Information certified by appropriate officials of the United States, as necessarily kept secret for national defense purposes, shall be accorded the full protections against disclosure as specified by such official or in accordance with the laws of the United States.

e. The City Council shall, by resolution, adopt a procedure designed to prevent knowing or negligent disclosure of trade secret information. Such procedure shall identify which officials shall have access to the information, and the means by which access will be controlled and monitored. Trade secret information shall

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be maintained in secured facilities which are designed to prevent inadvertent or unauthorized access or disclosure.

f. The confidential treatment, pursuant to this subsection, of the identity of such trade secret disclosed to the city* does not apply where there has been any unauthorized discharge related to such trade secret material which is reportable in compliance with Section VI.01 or where such disclosure arises out of any official emergency response relating to the storage facility(s) involving such trade secret information by public safety personnel of city*.

PART VI
RESPONSIBILITY

VI.01 Reporting Unauthorized Discharge.

A. Liquids and Solids at STP.

As soon as any person in charge of a storage facility or responsible for emergency response for a facility has knowledge of any confirmed or unconfirmed unauthorized discharge of a hazardous material which is liquid or solid at STP, such person shall take all necessary steps to ensure the discovery and containment and clean up of such discharge and shall notify city* of the occurrence as required by this subsection.

1. Confirmed Unauthorized Discharge.

a. Recordable Unauthorized Discharge

Any recordable unauthorized discharge shall be contained and safely disposed of in an appropriate manner by permittee and such occurrence and the response thereto shall be recorded in the permittee's monitoring records. A recordable unauthorized discharge is any unauthorized discharge of a hazardous material which meets all of the following criteria:

- (1) The discharge is from a primary containment to a secondary containment or to a rigid above ground surface covering capable of containing the discharge until cleanup of the hazardous material

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is completed; and

(ii) The permittee is able to adequately clean up the discharge before it escapes from such secondary containment or such above ground surface, but if the cleanup requires more than eight (8) hours, it becomes a reportable discharge in accordance with Section VI.01.A.1b below; and

(iii) There is no increase in the hazard of fire or explosion, nor is there any production of a flammable or poisonous gas, nor is there any deterioration of such secondary containment or such rigid above ground surface.

(iv) An otherwise recordable unauthorized discharge does not need to be recorded if the discharge is not the result of the deterioration or failure of the primary container and the quantity discharged is less than one (1) ounce by weight, and can be cleaned up within fifteen (15) minutes.

b. Reportable Unauthorized Discharge.

Any unauthorized discharge which is not determined to be recordable under subsection VI.01.A.1.a above, must be reported to city* immediately. The reporting party shall provide information to city* relating to the ability of permittee to contain and dispose of the hazardous material, the estimated time it will take to complete containment and disposal, and the degree of hazard created. City* may verify that the hazardous material is being contained and appropriately disposed. City*, at any time upon a determination that permittee is not adequately containing and disposing of such hazardous material, shall have the power and authority to undertake and direct an emergency response in order to protect the public health and/or safety.

2. Unconfirmed Unauthorized Discharge.

a. Indication of Loss in Inventory Records.

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Whenever a material balance or other inventory record, employed as a monitoring technique under the HMMP, indicates a loss of hazardous material, and no unauthorized discharge has been confirmed by other means, permittee shall have five (5) working days to determine whether or not there has been an unauthorized discharge. If before the end of such period, it is determined that there has been no unauthorized discharge, an entry explaining the occurrence shall be made in permittee's monitoring records. Where permittee has not been able, within such period, to determine that there has been no unauthorized discharge, an unauthorized discharge is deemed confirmed and permittee shall proceed in accordance with subsection VI.01.A.1b above.

b. Test Results.

Whenever any test results suggest a possible unauthorized discharge, and no unauthorized discharge has been confirmed by other means, the permittee shall have five (5) working days to retest. If second test results obtained within that period establish that there has been no unauthorized discharge, the results of both tests shall be recorded in permittee's monitoring records. If it has not been established within such period that there has been no unauthorized discharge, an unauthorized discharge is deemed confirmed and permittee shall proceed in accordance with subsection VI.01.A.1b above.

B. Gases at STP.

Any person in charge of a storage facility or responsible for emergency response for a storage facility, who has knowledge of any unauthorized discharge of a hazardous material which is a gas at STP, must immediately report such discharge to the city* if such discharge presents a threat of imminent danger to public health and safety.

VI.02 Cleanup Responsibility.

Any person, firm or corporation responsible for storing the

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hazardous material shall institute and complete all actions necessary to remedy the effects of any unauthorized discharge, whether sudden or gradual. City* shall undertake actions to remedy the effects of such unauthorized discharge itself, only if it determines that it is reasonably necessary under the circumstances for the city* to do so. The responsible party shall be liable to reimburse city* for all costs incurred by city* in remedying the effects of such unauthorized discharge, including the costs of fighting fires to the extent allowed by law. This responsibility is not conditioned upon evidence of willfulness or negligence of the party storing the hazardous material(s) in causing or allowing such discharge. Any responsible party who undertakes action to remedy the effects of unauthorized discharge(s) shall not be barred by this Chapter from seeking to recover appropriate costs and expenditures from other responsible parties except as provided by VI.03.

VI.03 Indemnification.

The permittee shall indemnify, hold harmless and defend the city* against any claim, cause of action, disability, loss, liability, damage, cost or expense, howsoever arising, which occurs by reason of an unauthorized discharge in connection with permittee's operations under this permit, except as arises from city's* sole willful act or sole active negligence.

PART VII

INSPECTIONS AND RECORDS

VII.01 Inspections by City*.

City* may conduct inspections, at its discretion, for the purpose of ascertaining compliance with this Chapter and causing to be corrected any conditions which would constitute any violation of this Chapter or of any other statute, code, rule or regulation affecting the storage of hazardous materials.

Permittees are not required to disclose the identity of hazardous materials protected as trade secrets pursuant to Section V.04 to anyone other than the official designated for that purpose pursuant to Section V.04.C.3, except in the case of an emergency response or an unauthorized discharge related to the storage facility in which the trade secret

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material is contained. Therefore, permittee may put temporary coverings over the labels of trade secret materials during the course of city* inspections conducted by other than the city official so designated.

A. Right of Entry.

Whenever necessary for the purpose of investigating or enforcing the provisions of this Chapter, or whenever any enforcement officer has reasonable cause to believe that there exists in any structure or upon any premises, any condition which constitutes a violation of this Chapter, said officers may enter such structure or premises at all reasonable times to inspect the same, or to perform any duty imposed upon any of said respective officers by law; provided that if such structure or premises be occupied, the officer shall first present proper credentials and request entry, and further provided, that if such structure or premises is unoccupied, the officer shall first make a reasonable attempt to contact a responsible person from such firm or corporation and request entry, except in emergency circumstances. If such entry is refused, the officer seeking entry shall have recourse to every remedy provided by law to secure entry.

B. Inspections by City* - Discretionary.

All inspections specified herein shall be at the discretion of the city* and nothing in this chapter shall be construed as requiring the city* to conduct any such inspection nor shall any actual inspection made imply a duty to conduct any other inspection. Furthermore, nothing in this chapter shall be construed to hold the city* or any officer, employee or representative of the city responsible for any damage to persons or property by reason of making an inadequate or negligent inspection or by reason of any failure to make an inspection or reinspection.

VII.02 Inspections by Permittee.

The permittee shall conduct regular inspections of its own facilities to assure compliance with this chapter and shall maintain logs or file reports in accordance with its Hazardous Materials Management Plan. The inspector conducting such inspections shall be qualified to conduct such inspections.

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VII.03 Special Inspections.

In addition to the inspections specified above, city* may require the periodic employment of special inspectors to conduct an audit or assessment of permittee's facility to make a hazardous material safety evaluation and to determine compliance with the provisions of this Chapter.

- A. The special inspector shall be a qualified person or firm who shall demonstrate expertise to the satisfaction of the city*.
- B. The special inspection report shall include an evaluation of the facilities and recommendations consistent with the provisions of this Chapter where appropriate. A copy of the report shall be filed with city* at the same time that it is submitted to permittee.
- C. Permittee shall, within thirty (30) days of said report, file with city* a plan to implement all recommendations, or shall demonstrate to the satisfaction of city* why such recommendations shall not be implemented.

VII.04 Substituted Inspections.

An inspection by an employee of any other public agency may be deemed by the city* as a substitute for any requirement above.

VII.05 Maintenance of Records.

All records required by this Chapter shall be maintained by the permittee for a period of not less than three (3) years. Said records shall be made available to city* during normal working hours and upon reasonable notice.

PART VIII

APPLICATION FOR PERMIT

VIII.01 Permit.

Any person, firm, or corporation which stores any hazardous material shall obtain and keep current a Hazardous Materials Storage Permit issued pursuant to this Chapter. One such permit shall be issued for a single facility. Additional approvals shall be obtained for any storage facility thereafter connected, installed, constructed, repaired as required by Section III.06, substantially modified, replaced, closed, or removed, or for any change or addition in hazardous materials stored,

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not in accordance with the prior approval. Notwithstanding the above, permittee shall have thirty (30) days to apply for an additional approval for the storing of a new or different hazardous material with the same hazard class as stated on the existing permit approvals where such storage does not increase the hazard of fire or explosion or the hazard of the production of flammable or poisonous gas. Storage of new or different hazardous materials, not meeting all of these criteria, shall require the prior additional approval.

VIII.02 Application for Permit.

Application for a new, amended, or renewed permit or an additional approval shall be made to the designated officer on the form provided by city*. In addition to the information required by such form, applicant shall submit the Hazardous Materials Management Plan required by Section IV.01 and construction plans, if any, in conformity with Section III.01. Applicant shall specify the permit quantity limit requested to be permitted for each storage facility.

VIII.03 Investigation.

The officer to whom an application for a new or renewed permit is made may make such investigation of the applicant and the proposed facility or activity as such officer deems necessary to carry out the purposes of this Chapter.

VIII.04 Approval of Permit.

A permit shall not be approved until the issuing officer is satisfied that the storage approved adequately conforms to the provisions of this Chapter.

VIII.05 Provisional Permit.

If the officer to whom application has been made finds that the proposal does not completely conform to the provisions of this Chapter, the officer may approve a provisional permit, subject to conditions to be imposed by the officer, when such a provisional permit is feasible and does not appear to be detrimental to the public interest. The applicant must be informed in writing of the reasons why a full term permit was not issued.

VIII.06 Temporary Permit.

A Temporary Permit for storage may be issued where storage does

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not exceed 30 days and occurs no more frequently than every six months. The Containment Standards of Part III, the Hazardous Materials Management Plan of Part IV and the Inspection and Records requirements of Part VII may be modified as appropriate under these circumstances for the storage of hazardous materials on a non-regular temporary basis.

VIII.07 Issuance of Permits.

A. Issuance.

Upon the approval of a temporary, provisional, or full term permit by the officer and upon the payment of any applicable fee, the officer shall issue and deliver the permit to the applicant. Such permit shall contain the following information:

1. The name and address of the permittee for purposes of notice and service of process;
2. The address of the facility for which the permit is issued;
3. Authorization of the storage facility(s) approved under the permit, the permit quantity limit(s) and the approved hazard class or classes for the storage facility(s);
4. The date the permit is effective;
5. The date of expiration;
6. When applicable, a designation that the permit is provisional or temporary;
7. Any special conditions of the permit.

B. Records.

The officer shall keep a record of all permits issued and all conditions attached thereto.

VIII.08 Additional Approvals.

A. When a request for an additional approval is filed as required by Section VIII.01, the procedures set forth in this Chapter for an application for a permit shall also apply to an application for an additional approval. Each application for an additional approval shall be accompanied by an appropriate amendment to the HMMP.

B. If the additional approval request is for closure of a storage facility, permittee shall apply for approval to close such storage facility not less than thirty (30) days prior to the termination of

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the storage of hazardous materials at the storage facility. Such closure shall be in accordance with a closure plan which describes procedures for terminating the storage of hazardous materials in each storage facility in a manner that:

- a. Minimizes the need for further maintenance; and
- b. Controls to the extent that a threat to public health or safety or to the environment from residual hazardous materials in the storage facility is minimized or eliminated; and
- c. Demonstrates that hazardous materials that were stored in the storage facility will be removed, disposed of, neutralized, or reused in an appropriate manner. This thirty (30) day period may be waived by city* if there are special circumstances requiring such waiver.

VIII.09 Term.

A permit may be issued for a term of five (5) years, excepting provisional permits which may be issued for any period of time up to six (6) months and temporary permits which may be issued for no longer than thirty (30) days.

VIII.10 Renewal.

Every application for the renewal of a permit or extension of a provisional permit shall be made at least thirty (30) days prior to the expiration date of such permit. If a timely application for renewal has been submitted, the permit shall remain in effect until the city* has made its determination pursuant to Section VIII.11 and any administrative appeal pursuant to Part IX has been exhausted.

VIII.11 Determination.

City* shall make a determination with regard to any application for a permit, an additional approval, or a renewal, within ninety (90) days from the date that the application has been completed or compliance with the appropriate provisions of the California Environmental Quality Act (CEQA), has been completed, whichever occurs later. This time limit may be further extended by mutual agreement between city* and applicant.

VIII.12 Fees.

City* shall establish fees sufficient to recover its costs

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in administering this Chapter and no application shall be accepted unless and until the fees have been paid.

A. Delinquent Fees.

All permit fees delinquent for thirty (30) days or more shall be subject to an additional charge to be determined by city* which shall be added to the amount of the fee collected.

B. Refund of Fees.

No refund or rebate of a permit fee shall be allowed by reason of the fact that the permit is denied or the permittee discontinues the activity or use of a facility prior to the expiration of the term or that the permit is suspended or revoked prior to the expiration of the term.

VIII.13 Transfer of Permit.

The permit may be transferred to new owners of the same business only if the new owners accept responsibility for all obligations under this Chapter at the time of the transfer of the business and document such transfer on a form provided by city* within thirty (30) days of transfer of ownership of the business. Such transfer shall be subject to the approval of city*.

VIII.14 Effective Date of Permit.

No permit shall become effective until the permit has been signed and accepted by the permittee. Where the permittee is a company, firm or corporation, the acceptance must be signed by a person having the legal authority to bind the permittee.

PART IX

DENIAL

IX.01 Denial of Application.

If the officer to whom application has been made has cause to deny the application and determines that it would not be feasible or in the public interest to approve a temporary or provisional permit, then the officer shall deny the application.

IX.02 Grounds for Denial.

A permit shall be denied if the applicant fails to demonstrate adequate conformity to the provisions of this Chapter. In addition, a permit can be denied for any of the grounds upon which the permit would

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be subject to revocation pursuant to Part X.

IX.03 Transmittal of Decision.

The decision to deny the application shall be given to the applicant in writing, setting forth the findings upon which the decision is based.

IX.04 Appeal to City Manager.**

Within thirty (30) days from the date of deposit of the decision in the mail in accordance with Section XI.02, the applicant may appeal, in writing, to the City Manager,** setting forth with particularity the ground or grounds for the appeal.

IX.05 Hearing on Appeal.

The City Manager** shall set a time and place for the hearing on the appeal and shall notify the applicant, in writing, of such date and time, not later than ten (10) working days from the date the appeal was received by the City Manager**. The hearing shall be conducted within thirty (30) days from the date the appeal was received by the City Manager**.

IX.06 Disposition of Appeal.

After the hearing on the appeal, the City Manager** may refer the matter back to the originating officer for a new investigation and decision, may affirm the decision of the originating officer, may approve a provisional permit as provided in Section VIII.05 or may approve the application with or without conditions. The decision of the City Manager** shall be the final administrative determination and is subject to judicial review.

PART X

REMEDIAL ACTION

X.01 Grounds for Remedial Action.

A permit may be subjected to remedial action for any of the following causes, arising from the acts or omissions of the permittee, either before or after a permit is issued:

- A. Fraud, willful misrepresentation, or any willful inaccurate or false statement in applying for a new or renewed permit;
- B. Fraud, willful misrepresentation, or any willful inaccurate or

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false statement in any report required by this Chapter;

C. Failure to abate, correct or rectify any noncompliance within the time specified in the notice of noncompliance;

D. Failure to correct conditions constituting an unreasonable risk of an unauthorized discharge of hazardous materials within a reasonable time after notice from a governmental entity other than City*;

E. Failure to abide by the remedial action imposed by the city*.

X.02 Notice of Noncompliance.

Unless the City Manager** finds that an immediate suspension under Section X.04 is necessary to protect the public health or safety from imminent danger, the officer shall issue a notice of noncompliance:

1. For failure to comply with the provisions of this Chapter, any permit conditions or any provisions of the Hazardous Materials Management Plan; or

2. Before instituting remedial action pursuant to Section X.01.D. Such notice shall be sent by certified mail to permittee. If the non-compliance is not abated, corrected, or rectified within the time specified, remedial action may be taken.

X.03 Notice of Hearing

A notice of hearing shall be given to the permittee by the City Manager**, in writing, setting forth the time and place of the hearing, the ground or grounds upon which the remedial action is based, the pertinent code section or sections, and a brief statement of the factual matters in support thereof. The notice shall be given at least fifteen (15) days prior to the hearing date.

X.04 Suspension Prior to Hearing.

Whenever the City Manager** finds that suspension of a permit prior to a hearing for remedial action is necessary to protect the public health or safety from imminent danger, the City Manager** may immediately suspend any permit pending the hearing for remedial action. The City Manager** shall immediately notify the permittee of such suspension by having a written notice of the suspension personally served on the permittee. Permittee shall have the opportunity for a preliminary hearing with regard to such prehearing suspension within three (3)

* city shall mean the local entity enacting the model ordinance.

** appropriate local officer

working days of receiving written notice of such suspension.

X.05 Remedial Action.

If the City Manager,** after the hearing, finds that cause exists for remedial action, the City Manager** shall impose one or more of the following:

- A. A warning;
- B. An order to correct the particular noncompliance specified in the notice issued pursuant to Section X.02;
- C. A revocation of the permit for the facility or for a storage facility and approval of a provisional permit;
- D. Suspension of the permit for the facility or for a storage facility for a specified period not to exceed six (6) months;
- E. Modification or addition of conditions of the permit;
- F. Revocation of the permit with no reapplication permitted for a specified period not to exceed five (5) years.

If the grounds for remedial action are based on Section X.01 C, D or E and if such grounds are limited to one storage facility, the remedial action taken shall be limited to that storage facility.

X.06 Transmittal of Decision.

Within ten (10) days of the hearing the City Manager** shall render a written opinion, stating the findings upon which the decision is based and the action taken, if any. The decision of the City Manager** shall be the final administrative determination and is subject to judicial review.

X.07 Authority after Suspension, Revocation or Expiration.

The suspension, revocation or expiration of a permit issued under this Chapter shall not prevent any proceedings to investigate such permit, any remedial action against such permittee or any proceeding against such permittee.

X.08 Return of Permit.

In the event that a permit issued under the provisions of this Chapter is suspended or revoked, the permittee shall forward it to the issuing officer not later than the end of the third business day after notification of such suspension or revocation.

* city shall mean the local entity enacting the model ordinance.
** appropriate local officer

PART XI
HEARING PROCEDURE

XI.01 Hearing Rules.

In any hearing under this Chapter, all parties involved shall have the right to offer testimonial, documentary, and tangible evidence bearing on the issues, to be represented by counsel, and to confront and cross-examine any witnesses against them. Any hearing under this Chapter may be continued by the person conducting the hearing for a reasonable time for the convenience of a party or a witness.

XI.02 Hearing Notices.

All notices required by this Part shall be sent by certified mail, postage prepaid, to the applicant or permittee at the address given for purposes of notice on the application or permit or delivered to the permittee personally.

PART XII
ENFORCEMENT

XII.01 Criminal Penalties.

[NOTE: Criminal sanctions may be sought for violations of this chapter, to the extent available under existing code provisions.]

XII.02 Civil Penalties.

Any person, firm, or corporation who intentionally or negligently violates any provision of this Chapter, except that an unauthorized discharge which is recordable and recorded in compliance with Section VI.01 shall not be a violation of this Chapter for purposes of this Section, or fails to comply with any order issued thereunder, shall be liable for a civil penalty not to exceed Five Hundred Dollars per day for each violation which shall be assessed and recovered in a civil action brought in the name of the people by the City Attorney**.

In determining the penalty, the court shall consider all relevant circumstances, including, but not limited to, the following:

- A. The extent of harm or potential harm caused by the violation;
- B. The nature and persistence of the violation;
- C. The length of time over which the violation occurred;
- D. The frequency of past violations;

* city shall mean the local entity enacting the model ordinance.
** appropriate local officer

- E. The permittee's record of maintenance;
- F. Corrective action, if any, taken by the permittee.

In any civil action brought pursuant hereto, in which the city* prevails, the court shall determine and impose reasonable expenses, including attorneys' fees, incurred by the city* in the investigation and prosecution of the action.

XII.03 Civil Action for Retaliation.

A civil action may be instituted against any employer by any employee who has been discharged, demoted, suspended, or in any other manner discriminated against in terms or conditions of employment, or threatened with any such retaliation, because such employee has, in good faith, made any oral or written report or complaint related to the enforcement of this Chapter to any company official, public official or union official, or has testified in any proceeding in any way related thereto. In addition to any actual damages which may be awarded, damages shall include costs and attorney's fees. The Court may award punitive damages in a proper case.

XII.04 Remedies not Exclusive.

Remedies under this section are in addition to and do not supersede or limit any and all other remedies, civil or criminal.

PART XIII

MISCELLANEOUS

XIII.01 Disclaimer of Liability.

A. The degree of protection required by this Chapter is considered reasonable for regulatory purposes. The standards set forth herein are minimal standards and this Chapter does not imply that compliance will ensure that there will be no unauthorized discharge of hazardous material. This Chapter shall not create liability on the part of the city*, any officer or employee thereof for any damages that result from reliance on this Chapter or any administrative decision lawfully made thereunder. All persons handling, storing, using, processing, and disposing of hazardous materials within the city* should be and are advised to determine to their own satisfaction the level of protection in addition to that required by this Chapter necessary or desirable to ensure that there is no unauthorized discharge of hazardous materials.

* city shall mean the local entity enacting the model ordinance.
** appropriate local officer

B. This Chapter is not intended to create any different standard or obligation for the storage of carcinogens than is imposed for the storage of other hazardous materials. Hazardous materials are identified as carcinogens herein for public record purposes only and the identification of a material as a carcinogen shall not require a different or stricter application of the provisions of this Chapter, nor notice to any person under any circumstances other than those expressly specified in this Chapter, nor shall such identification create any other duty or obligation upon city* different from or additional to those duties or obligations applicable to the storage of other hazardous materials.

XIII.02 Guidelines.

Guidelines approved by the City Manager** shall be maintained in the Office of the City Clerk**. Such guidelines, in the areas addressed therein, shall serve as an interpretation of this Chapter.

XIII.03 Duties are Discretionary.

Subject to the limitations of due process, notwithstanding any other provision of this code whenever the words "shall" or "must" are used in establishing a responsibility or duty of the city*, its elected or appointed officers, employees, or agents, it is the legislative intent that such words establish a discretionary responsibility or duty requiring the exercise of judgment and discretion.

XIII.04 Conflict with Other Laws.

Notwithstanding any other provision of this Chapter:

- A. A storage facility regulated by any state or federal agency will be exempted from any conflicting provision of this Chapter.
- B. If the storage facility is required to have a permit from the Department of Health Services under Health and Safety Code § 25100 et seq., it shall be exempted from any provision of this Chapter which is covered by the regulations adopted under the above cited statute.
- C. Whenever any provision of this Chapter conflicts with the Fire Code as adopted by city*, the stricter shall prevail.

* city shall mean the local entity enacting the model ordinance.
** appropriate local officer

XIII.05 Severability.

If any section, subsection, sentence, clause, or phrase of this Chapter is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Chapter. The City Council* hereby declares that it would have passed this Chapter and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the Chapter would be subsequently declared invalid or unconstitutional.

PART XIV

COMPLIANCE SCHEDULE

XIV.01 Effective Date.

The effective date of this Chapter is _____.

XIV.02 Time Table for Initial Compliance.

A. New Storage Facilities:

1. As of the effective date of this Chapter, a Hazardous Materials Storage Permit for a facility must be obtained prior to the installation or use of any new storage facility unless a building permit for such new storage facility was issued prior to such date.
2. The Hazardous Material Management Plan must be filed at the time of application for a Hazardous Material Storage Permit.

B. Existing Storage Facilities:

1. A facility which has any existing hazardous materials storage facilities or had obtained a building permit for such a storage facility prior to the effective date of this Chapter, and to which no new storage facility is added, shall have one (1) year from such effective date to file a completed application for a Hazardous Materials Storage Permit, including a monitoring plan in accordance with Section III.03. The time limitation for determination specified in Section VIII.11 shall not apply but the applicant shall be deemed to have a provisional permit of

* city shall mean the local entity enacting the model ordinance.
** appropriate local officer

indefinite term, until city* makes such determination.

2. Notwithstanding the above, a Hazardous Material Inventory Statement, if applicable, must be filed within ninety (90) days of the effective date of this Chapter.

PASSED FOR PUBLICATION OF TITLE this ____ day of ____, 19____, by
the following vote:

AYES:

NOES:

ABSENT:

ATTEST:

Mayor

City Clerk

* city shall mean the local entity enacting the model ordinance.
** appropriate local officer

GUIDELINES

PART I GENERAL PROVISIONS

ACCEPTED BY THE BOARD OF SUPERVISORS
OF SANTA CLARA COUNTY AUG 9 1983
DONALD M. RAINS, Clerk of the Board
BY Rashid Rahles Deputy Clerk

I.02.A.1

____ MC

It is not the intent of this ordinance to require the local jurisdiction to enforce the statutes, codes, rules or regulations of other jurisdictions, but a permit need not be granted whenever the local jurisdiction is aware of violations of those statutes, codes, rules or regulations.

PART II MATERIALS REGULATED

II.01.D.2

____ MC

It should be noted that some aluminum salts are regulated herein where such salts appear on the list of hazardous and/or extremely hazardous wastes in Section 66680 or 66685 of Title 22 of the California Administrative Code.

INSTITUTE OF GOVERNMENTAL
STUDIES LIBRARY

II.02.D

____ MC MATERIALS EXEMPTED

OCT 30 1986

1. Department of Health Services

UNIVERSITY OF CALIFORNIA

Where Permittee or Permit Applicant can provide City* with a certification or similar documentation issued by the California Department of Health Services to that particular Permittee or Permit Applicant which substantiates or verifies the party's claim that a particular material which it stores which would otherwise fall within the regulation of this Chapter, is not hazardous according to criteria established by the Department of Health Services, City may exempt the storage of such material by that particular Permittee or Permit Applicant from the requirements of this Chapter.

The City will not undertake to evaluate results of testing done under the Department of Health Services Criteria for Identification of Hazardous and Extremely Hazardous Wastes. The intent of this Guideline is that only where the Department of Health Services, in a particular instance with a particular party, has made a determination that the material is not hazardous according to its own criteria, the City may give considered deference to that determination by the D.O.H.S.

2. CAL/OSHA Director's List

This ordinance did not include the footnotes to the CAL/OSHA Director's List. If a material appears on the CAL/OSHA Director's List and would not be regulated pursuant to any other Subsection of II.01 of the Ordinance and a Footnote to the Director's List would exempt a substance stored in less than a specified concentration, the storage of that substance in that concentration or a lesser concentration is appropriately exempted pursuant to Section II.02.D. Therefore, acetic acid should not be regulated in a concentration of 10% or less, and ethyl alcohol in a solution of 25% or less.

PART III CONTAINMENT STANDARDS

III.02.B

MC NEW STORAGE FACILITY MONITORING CAPABILITY

Visual inspection or visual monitoring ordinarily requires the visual inspection of all exterior surfaces of the primary containment. However, visual inspection may be adequate even if a portion of the primary container cannot be visually inspected, if there is a system, such as a grooved base design, or low point, which will collect any materials which escape the primary container and which will enable such materials to be detected visually.

A frequency schedule shall be determined in accordance with reasonable engineering judgement, but in no event shall such inspections occur at a frequency of less than six month intervals.

Acceptable alternate monitoring methods may consist of non-visual means to detect the presence of hazardous materials between the primary and secondary containment, such as sampling wells or mechanical detectors. Calibration of these non-visual means must be performed, and proper operation verified on a regular basis.

III.02.C.2.a

MC NEW STORAGE FACILITIES SECONDARY CONTAINMENT REQUIREMENTS

Since the ordinance sets performance standards the examples shown are not the only acceptable methods of construction and monitoring, nor are these examples acceptable in all applications:

Example: Large surface tanks supported by direct contact of the bottom tank surface on the installation pad can be monitored for leakage via a collection system in the supporting surface such that sensors or visual means can identify the leakage. (Refer to Diagram 1, on Page _____).

Other examples of secondary containment are shown in Diagrams 2 through 7, on Pages _____ through _____.

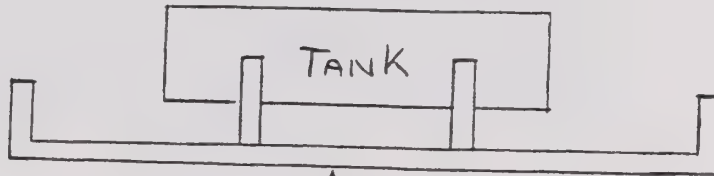
VISUAL INSPECTION OF ABOVEGROUND TANKS

DIAGRAM 1

HORIZONTAL TANK

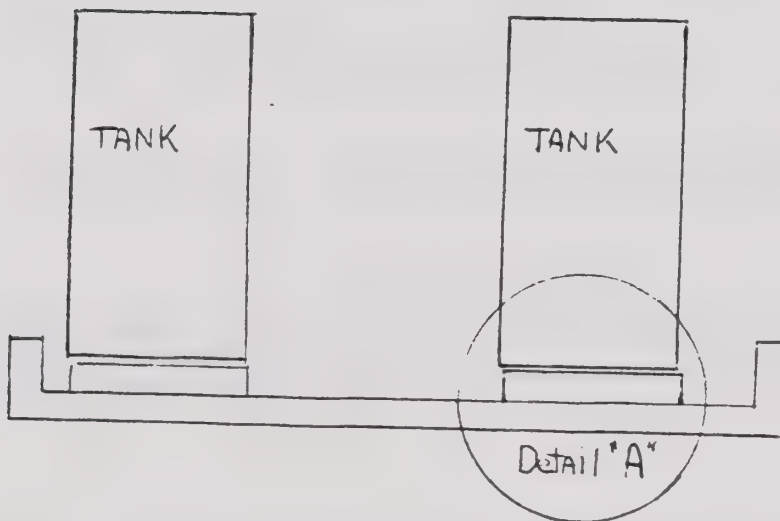


MONITORING CAN BE VISUAL.

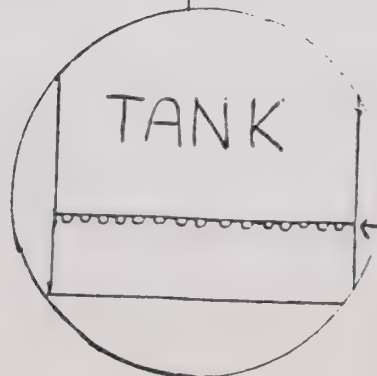


↑
CONCRETE DIKED SECONDARY CONTAINMENT MAY NEED A COATING TO MAKE IT IMPERVIOUS TO CHEMICAL STORED.

VERTICAL TANK

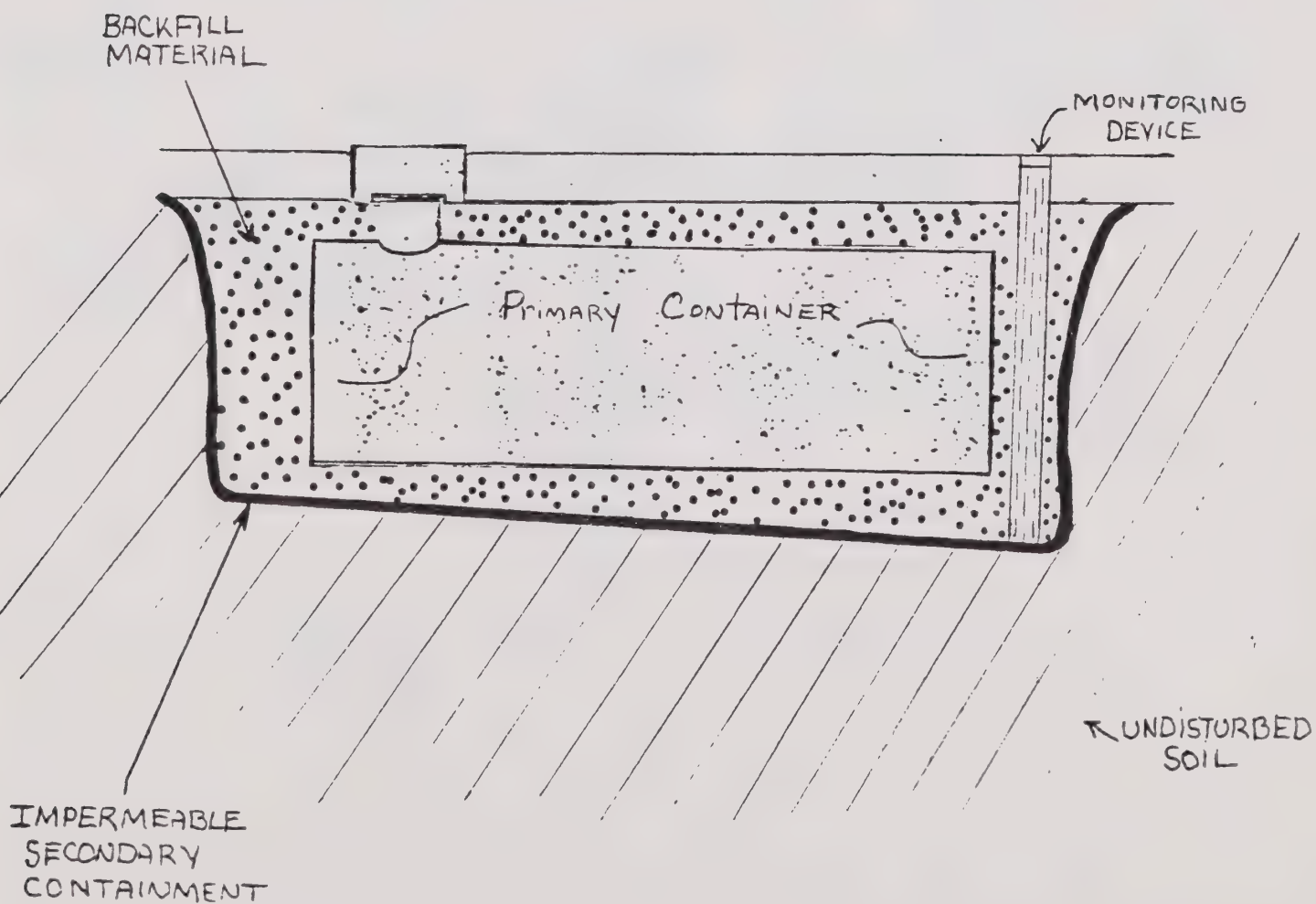


← CONCRETE DIKED SECONDARY CONTAINMENT MAY NEED A COATING TO MAKE IT IMPERVIOUS TO THE CHEMICAL STORED



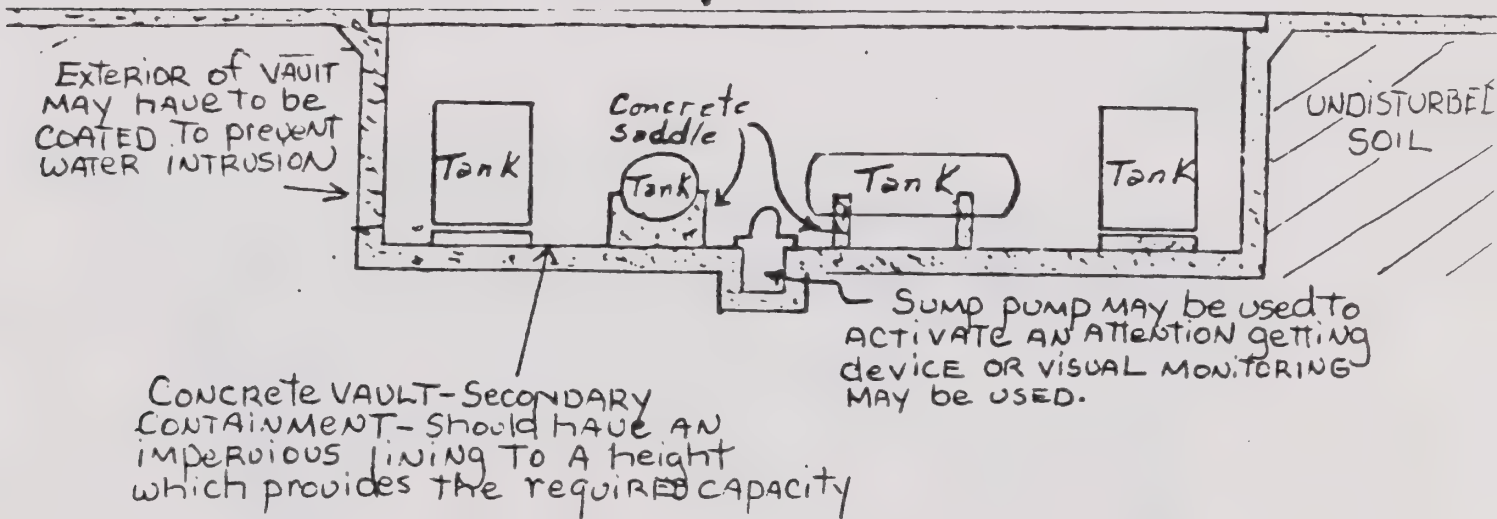
← GROOVED SURFACE OF THE CONCRETE BASE WILL PROVIDE VISUAL MONITORING CAPABILITY FOR THE BOTTOM OF A VERTICAL TANK

UNDERGROUND TANK

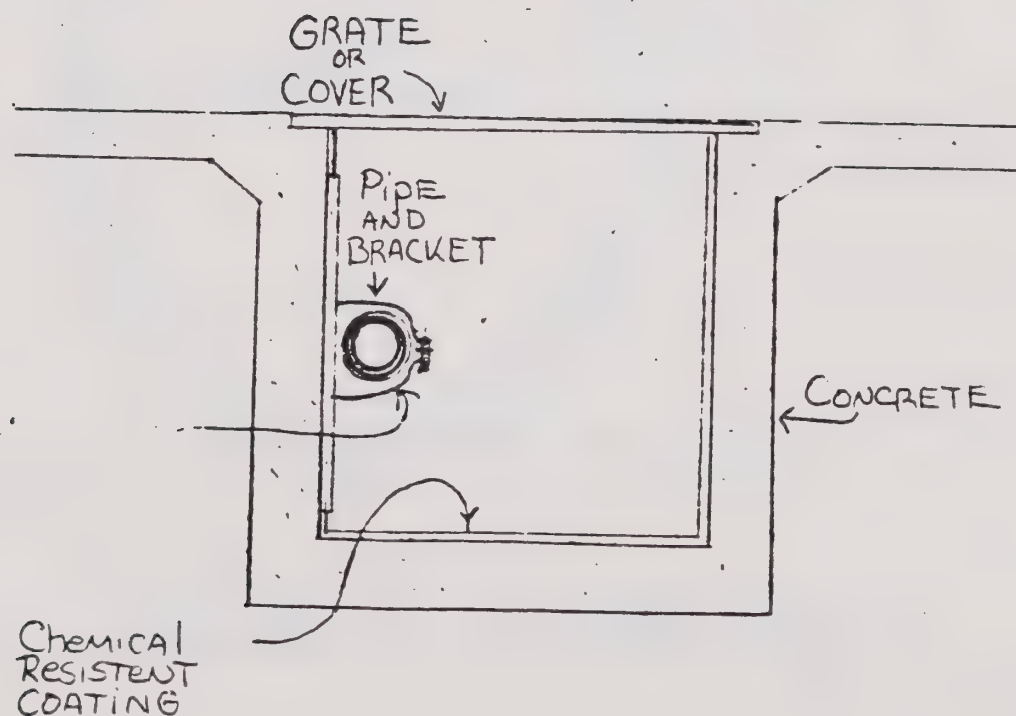


VAULTED SECONDARY CONTAINMENT

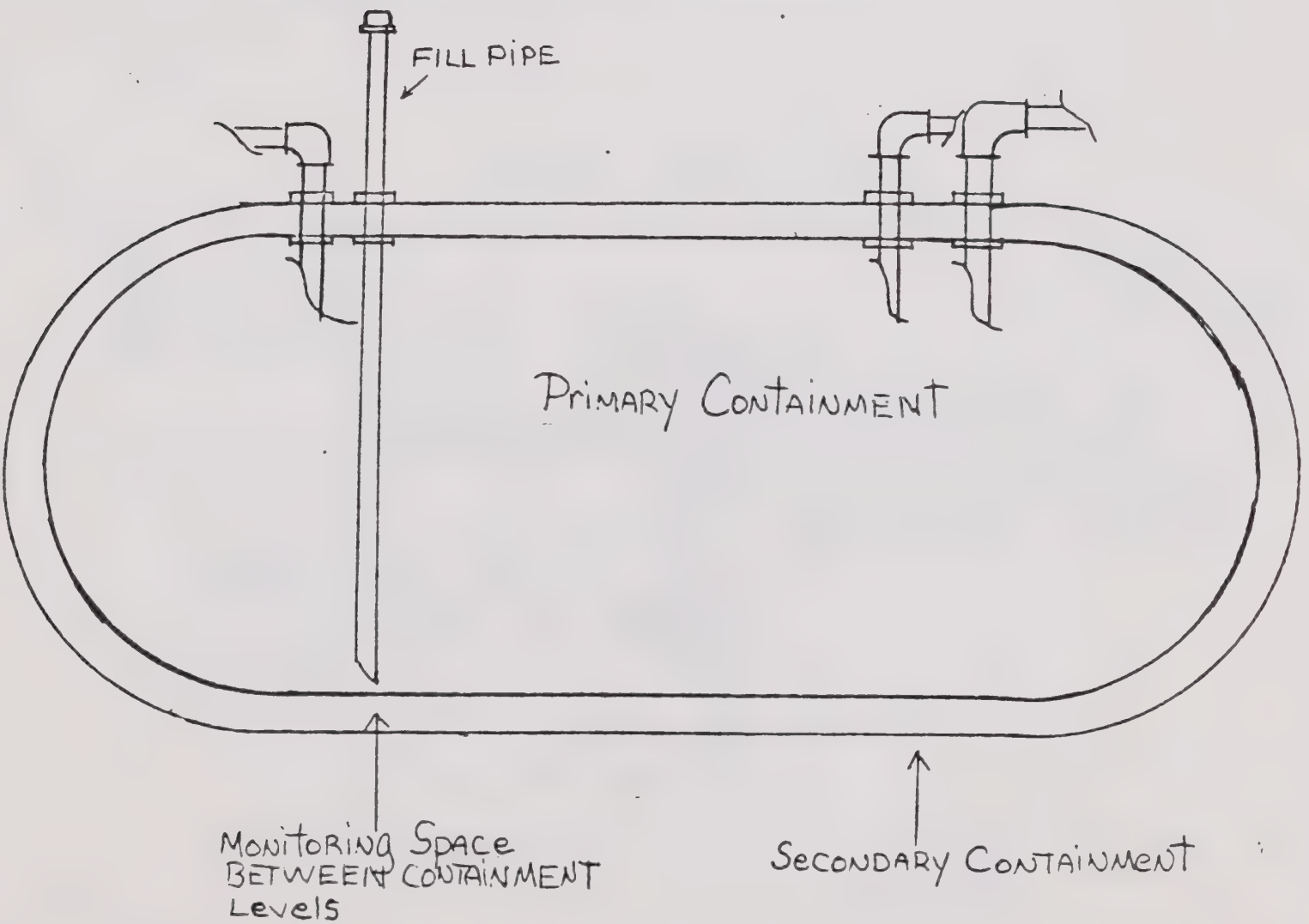
GRATE OR SOLID COVER
↓



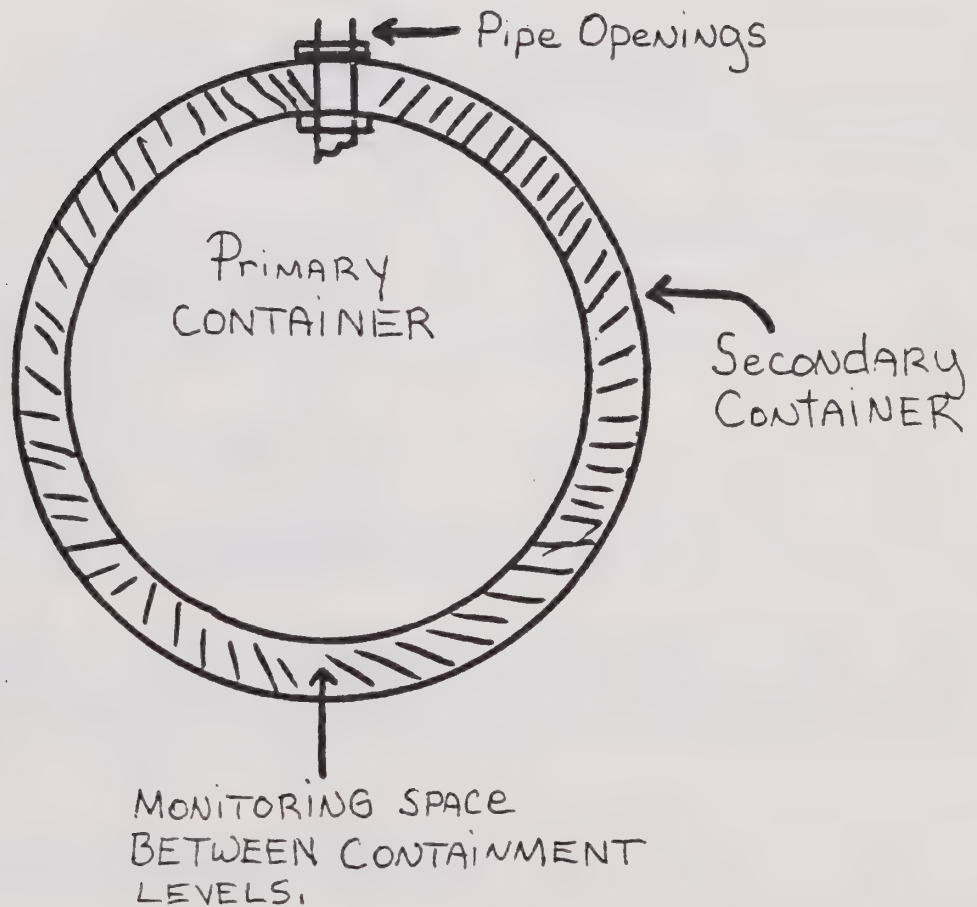
PIPE IN A LINED CONCRETE TRENCH



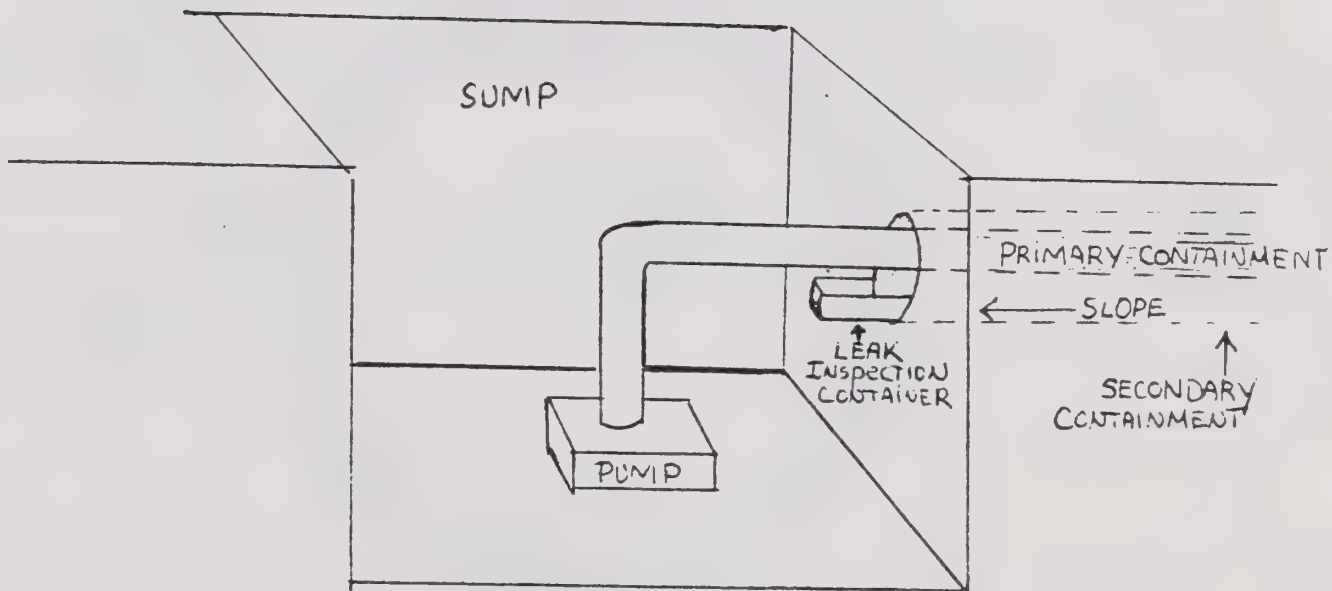
DOUBLE WALL TANK



DOUBLE WALL TANK (CROSS - SECTION)



Piping- Secondary Containment



III.02.C.2.b

MC NEW STORAGE FACILITIES SECONDARY CONTAINMENT REQUIREMENTS

Where it can be shown that the secondary level of containment is not subject to ground water, rain water, fire extinguishing agents or other materials, the secondary level of containment need not contain the full 110% of the volume of the primary container; however, it should be capable of containing 100% of the volume of the primary container.

III.02.C.2.d

MC SECONDARY CONTAINMENT REQUIREMENTS

It is not necessary to accommodate the 24-hour rainfall if provisions are made to remove the rainwater from the secondary level of containment and discharge it to either:

1. A storm sewer in accordance with a National Pollutant Discharge Elimination System permit; or
2. To a sanitary sewer meeting City's* approval and effluent discharge levels; or
3. To a treatment facility.

III.02.D CONTAINMENT REQUIREMENTS-OVERFILL PROTECTION

MC

Overfill protection should be provided whenever the primary container is being filled, unless the overfill location is being visually monitored during the entire operation, and the person monitoring has the ability to stop the filling operation. (Please refer to Diagram 8, Page _____).

III.03.A EXISTING STORAGE FACILITIES MONITORING PLAN

(See also HMMP, Section IV.02.A.5)

MC

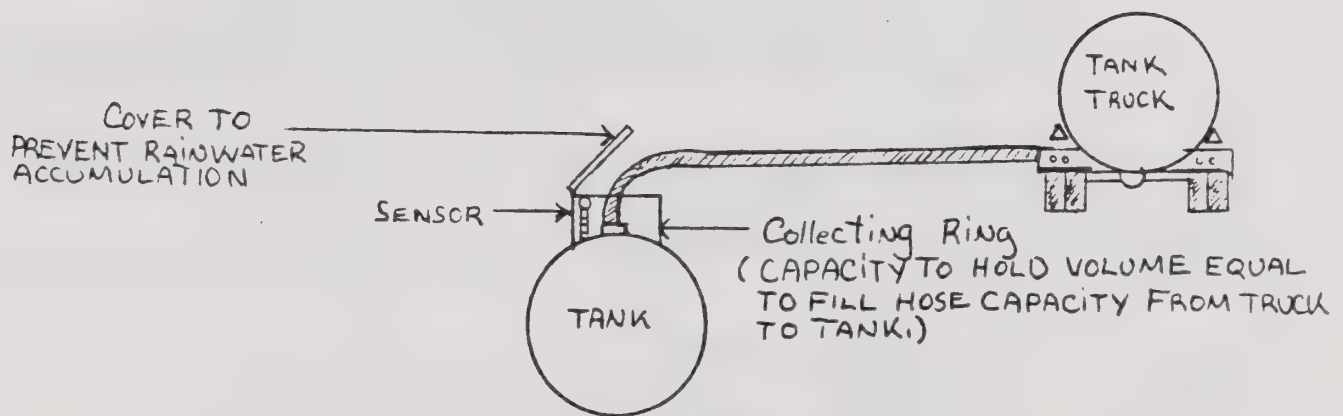
The monitoring plan shall specify the methods and frequency of monitoring to be used.

The monitoring plan shall consist of the following:

1. A plan and/or sectional diagram of each storage facility which clearly delineates the containment provided and the monitoring system. Well drilling logs shall be included where applicable.

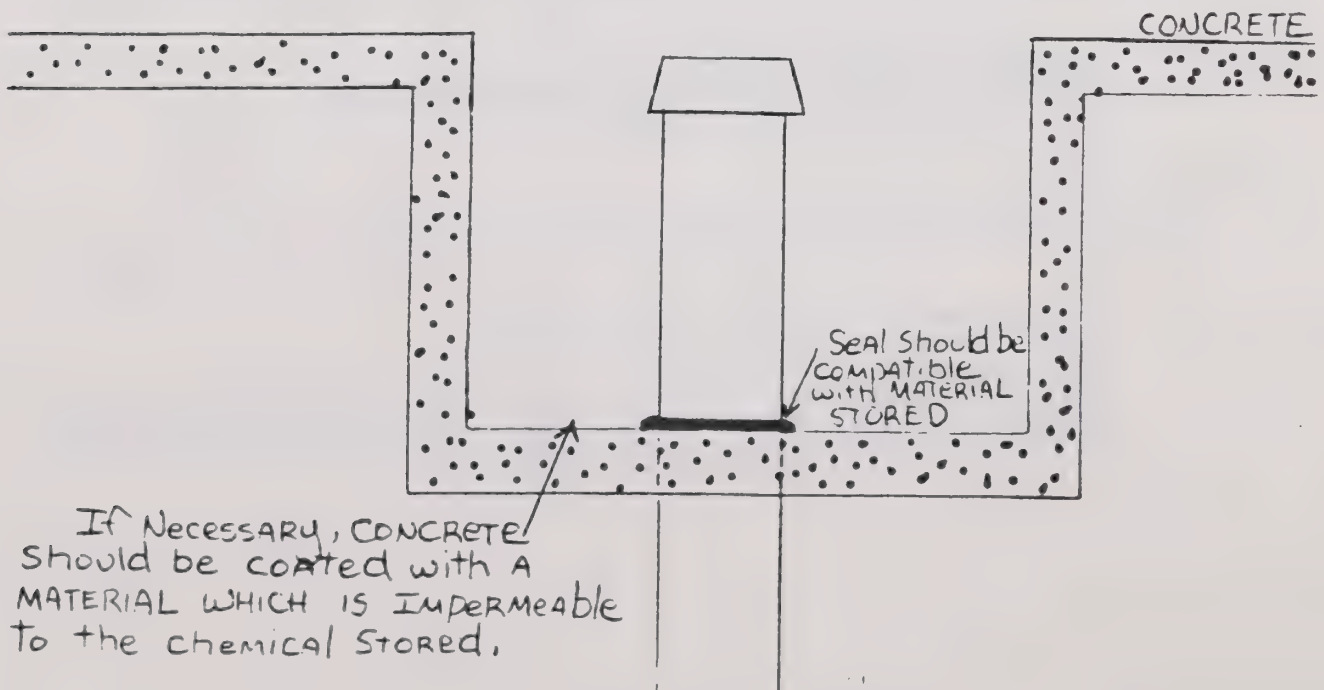
Overfill Protection

TANK COLLECTING RING



FILL PIPE SUMP

SUMP SHOULD BE COVERED OR PROVISION SHOULD BE MADE TO REMOVE RAIN WATER.



2. A description of the frequency, method and reporting format for the monitoring to be performed. This should include an evaluation or statement as to the accuracy of any mechanical or analytical methods and the proposed timing and methods for equipment calibration.

III.03.C EXISTING STORAGE FACILITIES ALTERNATIVE MONITORING METHODS

_____ MC

Any monitoring well proposed must be reviewed and approved by the Santa Clara County Valley Water District. If the District determines that a monitoring well does not fall within its jurisdiction, the plans for such well must be certified pursuant to Section I.05.

Alternative monitoring of existing facilities can be provided by the suggested monitoring techniques described in the attached Table I. These techniques are appropriate in cases where the visual inspection is not utilized.

Examples of generally acceptable methods of monitoring are provided in Table I below. The Table groups hazardous materials into monitoring classifications, in order to simplify these guidelines. Where a material fits into more than one category, methods for each category are applicable.

III.04.D OUT-OF-SERVICE STORAGE FACILITY

_____ MC

A reasonable effort should include seeking and studying records, drawings, and plot plans and interviewing people thought to have knowledge of former utilization of the property. Appropriate geophysical technology to detect underground objects should be utilized when it is determined that an underground storage facility existed at the site when it cannot be located based on records, drawings, plot plans or personal knowledge.

III.06.B MAINTENANCE, REPAIR OR REPLACEMENT

Whenever a permittee makes frequent and predictable replacements, repairs, and minor modifications as a normal part of his operating practices, such work may be pre-approved by the City if a description of such replacement, repairs, and minor modifications appears in the Hazardous Materials Management Plan. The City, however, may require a periodic report describing the work actually completed.

III.08 SECURED FACILITIES ACCESS

Access, for purposes of this section, means public entry to the storage facility. A storage facility within a building will be considered secured when the building itself is locked.

TABLE I
HAZARDOUS MATERIAL MONITORING METHOD
FOR
EXISTING STORAGE FACILITIES
III.03.C

MONITORING METHOD

Monitoring Classification		Well Ground Water *3	Well Vapor *3	Visual	Daily Inventory Control	Pressure Testing
1.	Motor Fuel	2	I**	4	7	5
2.	Inorganic Acid/Base (Virgin)	1	N/A	4	6	5
3.	Other Organics					
	a. Waste	1	1	4	N/A	5
	b. Virgin (Non-Waste)	1	2	4	6	5
4.	Inorganic Metal Solutions					
	a. Waste	1	N/A	4	N/A	5
	b. Virgin (Non-Waste)	1	N/A	4	6	5

1. Recommended.
2. Additionally recommended.
3. Soil analysis of the boring is normally required as part of any well construction.
4. Assumption is that for existing storage facilities visual inspection is not possible; however, if possible, it is the preferable method.
5. Normally required for and only applicable to piping systems, which cannot be visually inspected. The other methods are normally not required for piping systems.
6. When appropriate.
7. As required by existing law.

* Not required if it can be demonstrated that a system exists whereby any material leaked from the primary container would move through a path of least resistance, to a point(s) where either visual or other monitoring exists which would detect the presence of the material.

** Where not practicable due to significant background vapors, then ground water monitoring is normally required.

PART IV
HAZARDOUS MATERIALS MANAGEMENT PLAN

IV.01 HAZARDOUS MATERIALS MANAGEMENT PLAN

_____ MC

The intent of the H.M.M.P. is to provide information to the City concerning the extent of the hazard at an individual facility, and to document the precautions that are routinely taken. A proper H.M.M.P. will strike a balance (1) between providing so much information that it cannot or would not be readily digested and used by the City personnel, and (2) not providing enough information to enable staff to properly assess the hazard and precautions. The appropriate balance must be ascertained on a case by case basis. See the attached Model H.M.M.P. on Page _____.

IV.02.A.2 FACILITY DESCRIPTION

_____ MC

The City may require information on such things as earthquake faults, etc., within one mile of the facility. This clause is not intended to routinely require a separate search to be performed in the preparation of each H.M.M.P. for each facility to ascertain this information. Normally the kind of information that is available from public records would totally suffice.

IV.02.A.3 FACILITY STORAGE MAP

_____ MC

The map is intended to provide emergency response personnel with a summary of the key information that they may need on the scene in the event of an emergency resposne. It should not be so over detailed as to make highlighting of these key points difficult to rapidly assimilate. For this reason details such as providing the location of every fire extinguisher are certainly not within the intent. Similarly, for other than hazardous materials storage areas, only general area descriptions such as "office area", "process area", or "cafeteria", should be used on the map.

Subsection IV.02.A.3.C recognizes that within most facilities there is a continual process of rearranging so that things such as portable cabinets, used as storage facilities are likely to be relocated, and internal uses of other spaces may change. For this reason it is provided that the map shall only be updated annually unless an additional approval is required or the Hazardous Materials Inventory Statement is required to be ammended.

The map should be clearly marked "Confidential - Do Not Disclose".

IV.02.B HAZARDOUS MATERIALS INVENTORY STATEMENT

_____ MC

An example of a H.M.I.S. appears on Page _____ of this Guideline.

IV.02.(C)

_____ MC

This section is intended to require the application of normally accepted engineering practice to provisions for separation of incompatible materials, e.g., separation of certain hazard classes from each other such as separation of flammables from oxidizers. An example of separation of materials reporting within the H.M.M.P. appears on Page _____ of this Guideline.

IV.02.D MONITORING PLAN

_____ MC

An example of a monitoring plan appears on Page _____ of this guideline.

IV.02.E RECORDKEEPING FORM

_____ MC

An example of a Recordkeeping Form appears on Page(s) _____ of this Guideline.

IV.02.F EMERGENCY EQUIPMENT

_____ MC

A facility that has hazardous material would normally be expected to have available emergency supplies for responding to small quantity spills or leaks, and in most instances, to be able to assure that a hazardous material discharge is contained before it can present any threat to the public.

IV.03 SHORT FORM H.M.M.P., MINIMAL STORAGE SITE

_____ MC

This section is intended to provide a very simplified approval channel for small quantity storage facilities (e.g. a small business operation having a few hazardous materials or a larger entity that has small quantities of hazardous materials at a facility). It is intended that the short form H.M.M.P. be sufficiently simple so that in many cases it could be filled out on the spot "at the counter".

IV.03 SHORT FORM H.M.M.P. (SAMPLE FORM)

_____ MC

HAZARDOUS MATERIAL MANAGEMENT PLAN
(Minimal Storage Facility)

If a facility stores hazardous materials no one of which is in aggregate amounts less than: 500 lb. solids, 55 gals. liquid, or 200 cu. ft. at S.T.P. of compressed gases, it may submit this form in lieu of Form No. _____. NOTE: Hazardous Materials includes all wastes of any concentration, or mixtures of non-waste containing 1% or greater of hazardous materials.

DECLARATION OF HAZARDOUS MATERIALS STORAGE

1. Address _____ Phone No. _____
2. Name of Business _____
3. Owner, Responsible Employee _____
4. Nature of Business _____
5. Three persons that could respond in an emergency when the facility is closed (weekends, holidays, etc.)

NAME

ADDRESS

PHONE NO.

- A. _____
- B. _____
- C. _____
6. Submit a simple line drawing of the facility showing the location of hazardous material(s), hazard class or classes, and physical state, and indicate whether any of the material is a waste.
7. Describe how the hazardous material will be:
 - A. Stored _____

 - B. Contained (Secondary Containment) _____

 - C. Separated (Separate Secondary Containment) _____

 - D. Monitored _____

8. Describe the emergency equipment which is provided on site (fire extinguishers, spill absorbent, built-in fire protection systems, etc.) _____
9. After the hazardous materials have been used, how are the spent materials or waste handled and disposed of? _____
- (Attach extra sheets as required)
10. Attach a copy of the CAL/OSHA Carcinogen Registration Form if applicable.

The above information is true and correct. If there is any change which would materially affect any answer above, I will inform the City and apply for an appropriate amendment to this permit.

I declare under penalty of perjury that the foregoing information is true and correct.

Executed this _____ day of _____, 19 _____ at

Address _____

Printed Name & Title of Applicant _____

Signature of Applicant _____

IV.02.A.1

_____MC

PERMIT GUIDELINES

THE FOLLOWING REPRESENTS A PARTIAL SAMPLE OF A HAZARDOUS MATERIALS
MANAGEMENT PLAN (H.M.M.P)

FACILITY DESCRIPTION

<u>BUSINESS NAME</u>	<u>Ocean Electronics O.E.</u>
<u>ADDRESS</u>	<u>211 Surfside Road, Silicon Valley, CA 94500</u>
<u>PERSON SUB- MITTING APPL.</u>	<u>Harry Smith (W) 408-333-0000 X436</u>
	<u>Health and Safety Engineer</u>
<u>RESPONSIBLE OFFICIAL</u>	<u>John Ocean (W) 408-333-0000 XIII</u>
	<u>President</u>
<u>EMPLOYEES</u>	<u>432</u>
<u>SHIFTS</u>	<u>3 Manufacturing 1 R&D, Office</u>
<u>HOURS OF OPERATIONS</u>	<u>24/Day (8 AM - 8 AM) Manufacturing</u>
	<u>(8 AM - 6 PM) R&D, Office</u>
<u>UNIFORM BLDG CODE CLASS.</u>	<u>B-2, H-1</u>
<u>BUSINESS ACTIVITY</u>	<u>Research and Development</u>
	<u>Light Manufacturing Electrical Components</u>
	<u>Office - Clerical - Corporate Headquarters</u>
	<u>Testing Facility</u>
<u>PERMITS RELATING TO HAZ MAT STORAGE FROM OTHER JURISDICTIONS</u>	<u>Agency: State Department of Health Services</u>
	<u>Type of Permit: On-Site Hazardous Waste Storage</u>
	<u>Permit Number: 83-4738</u>

IV.02.A.2 GENERAL FACILITY DESCRIPTION

MC

FLOOD ZONE: Not in 100 Year Flood Zone

WATER TABLE: Maximum Height = 20 Feet

EARTHQUAKE FAULTS: No Local Faults Within 0.6 Miles

SURROUNDING GENERAL South Within 0.8 Mile Light Industrial

LAND USES WITHIN ONE East, West Within 0.5 Mile Light Industrial

MILE (ZONING): North Within 50 Feet Residential

ADJACENT PROPERTIES: North - Division Canal to Bay (15')

50' Residential

South - Street; B-2

West - H-2, B-2 Non-Comb. Construction

East - Vacant Lot

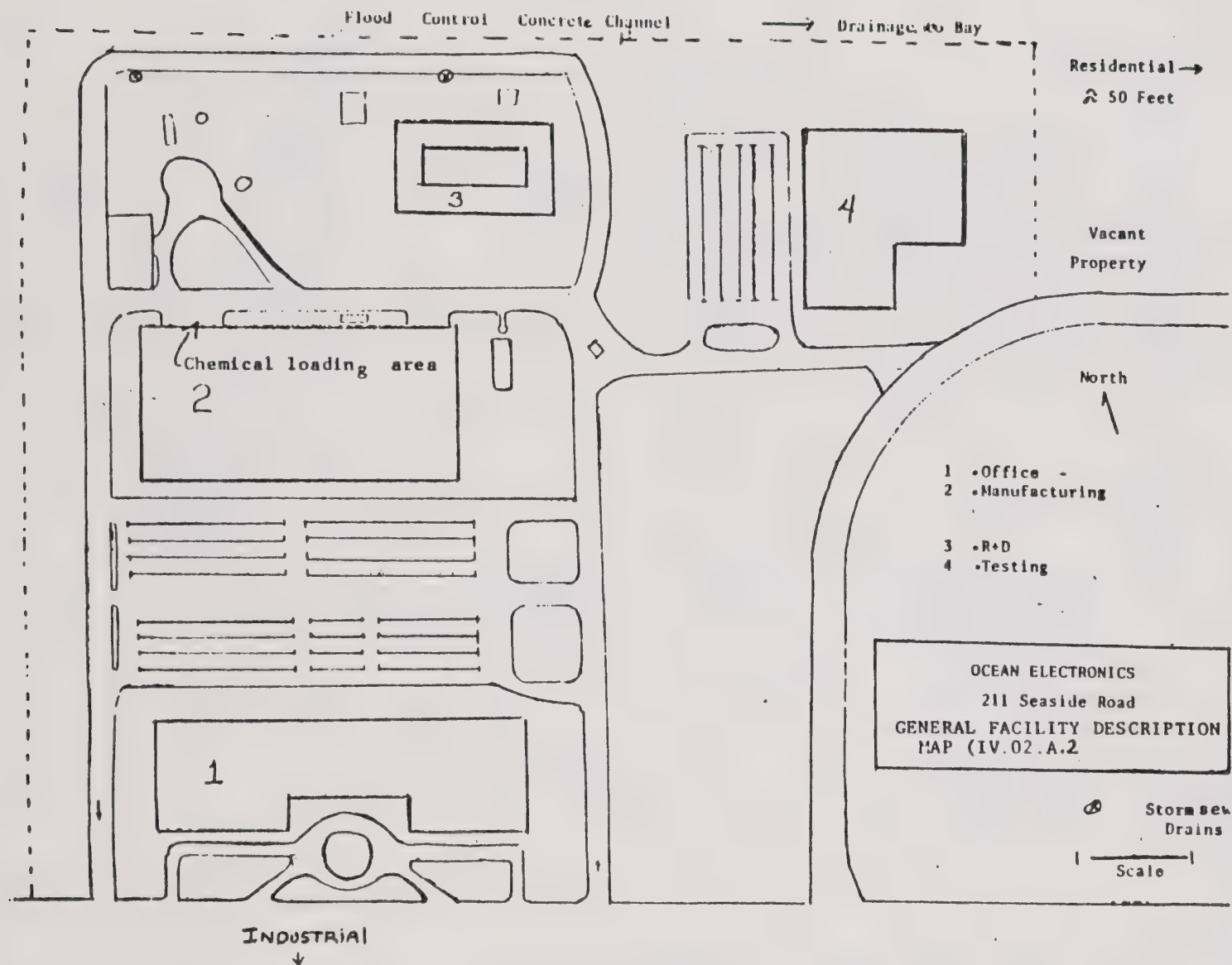
SPECIAL LAND USES WITHIN ONE MILE:

(Schools, Hospitals, Institutions, Residential)

Grammer School 0.7 Mile NW

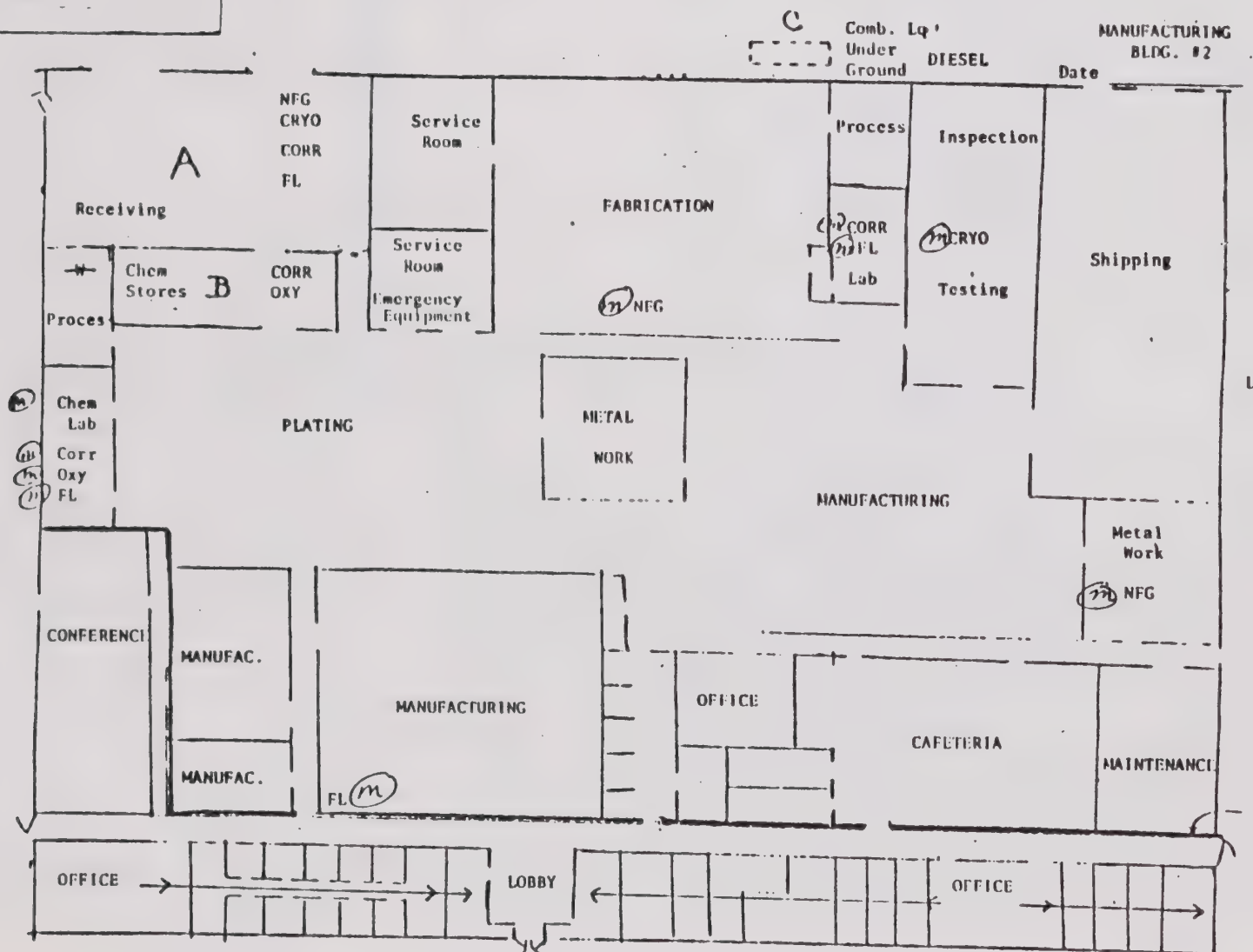
Residential 50 Feet N

STATE
HIGHWAY
101



CONFIDENTIAL - Do Not Disclose

OCEAN ELECTRONICS
211 Seaside Road
FACILITY STORAGE MAP (IV.02.3)



CONFIDENTIAL

FACILITY STORAGE MAP KEYU.N. No.Quantity Range
per IV.02.A.3.a.iiiA. Permit Quantity Limit - 1,000 Gal.

Flammable Liquids 1

Corrosives (liquids) 2

Phosphoric Acid 1805

Sulfuric Acid 1830

Hydrochloric Acid 1789

Sodium Hydroxide 1824

Potassium Hydroxide 1814

Hydrofluoric Acid 1790

Metal Etch X

(Hydrochloric Acid) 1789

Cryogens (liquids) 2

Non Flam. Compressed Gas 2

B. Permit Quantity Limit - 500 Gal.

Oxydizer (liquids) 2

Nitric Acid (80%)* 2031

Perchloric Acid 1873

Hydrogen Peroxide 2015

Corrosives (liquids) 2

Nitric Acid*
(80%) 2031C. Permit Quantity Limit - 500 Gal.

Combustible Liquid

Diesel underground tank 1993

500 Gal. capacity limit**

D. Permit Quantity Limit - 10,000 Gal.

Liquified Petroleum Gas

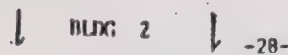
Propane 1978

10,000 Gal. capacity limit**

* NOTE: This percent figure is example of additional information that the City may call for.

** Exact tank capacity is required per Section IV.02.A.3.a.v

CONFIDENTIAL



FACILITY STORAGE MAP KEY

E. Permit Quantity Limit - 5,000 Gal.; 1,500 Cu. Ft.; 1,500 Lbs.

Flammable Liquids

4

Acetone	1090
Methyl Ethyl Ketone	1193
Isopropyl Alcohol	1219
Toluene	1294
Xylene	1307
Methanol	1230
Benzene	1115
Paint Stripper	1993
(Non-Cl Solvents)	
Resist Rinse (Xylene)	1307

Combustible Liquids

2

N-Butylacetate	1123
Dimethyformamide	2265
Kerosene	1223
Resist Developer II	1998
(Stoddard Solvent)	
Flam-ol (Kerosene)	1223

Oxidizers

2

Nitric Acid (liquid)	2031
Hydrogen Peroxide	2015
(liquid)	
Perchloric Acid	1873
(liquid)	
Potassium Permanganate	1490
(solid)	

Corrosive

2

Nitric Acid (liquid)	2031
----------------------	------

Poison Gas (Poison A)

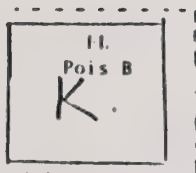
3

Diborane	1911
Phosphine	2199
Boron Trifluoride	1008
Arsenic Pentafluoride	----
Dichlorosilane	2189

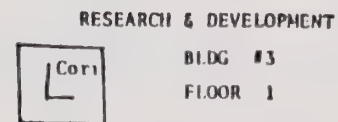
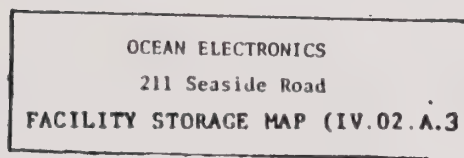
	<u>U.N. No.</u>	<u>Quantity Range</u>
<u>E. Permit Quantity Limit (Con')</u>		
<u>Flammable Compressed Gas</u>		2
Silane	2203	
Dichlorosilane	2189	
Hydrogen	1049	
Acetylene	1001	
<u>Non-Flammable Compressed Gas</u>		3
<u>Poison B</u>		2
Sodium Cyanide (solid)	1689	
Potassium Cyanide (solid)	1680	
<u>ORM-A</u>		2
Trichloroethane (liquid)	2831	
<u>F. Permit Quantity Limit - 2,000 Gal.</u>		
<u>Cryogenics (Non-Flammable)</u>		
Nitrogen Tank	1977	2,000 Gal.*
<u>G. Permit Quantity Limit - 1,500 Gal.</u>		
<u>Cryogenics (Flammable)</u>		
Hydrogen Tank	1966	1,500 Gal.*
<u>H. Permit Quantity Limit - 800 Gal.</u>		
<u>Cryogenics</u>		
Oxygen Tank	1073	800 Gal.*

*Exact tank capacity is required
per Section IV.02.A.3.d.v

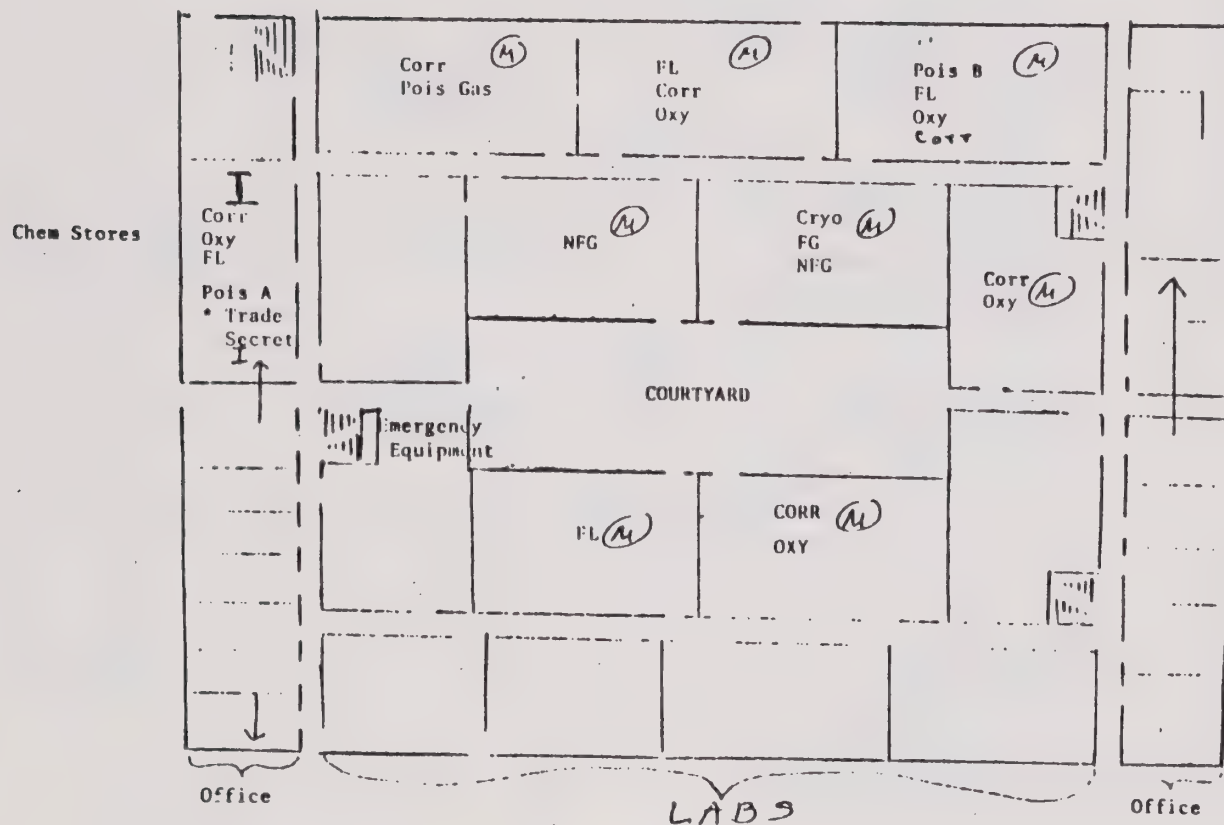
CONFIDENTIAL - Do Not Disclose



Chem Waste



Waste Neutralization
Sump



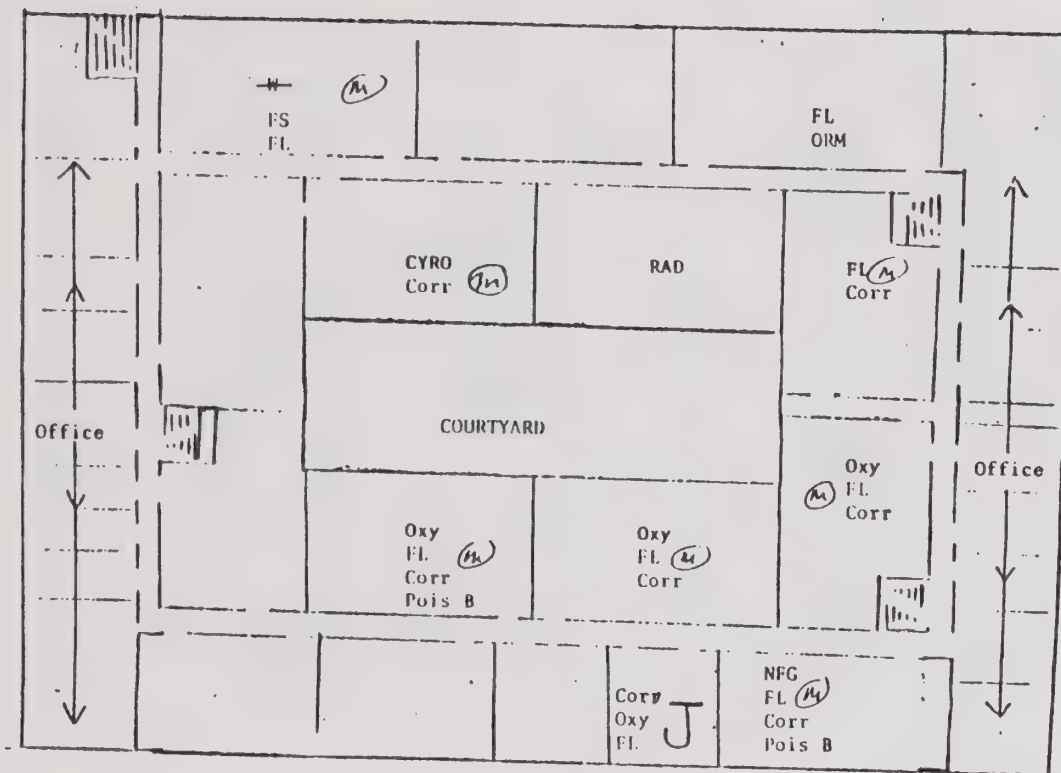
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RESEARCH & DEVELOPMENT

BLDG #3

FLOOR 2



OCEAN ELECTRONICS

211 Seaside Road

FACILITY STORAGE MAP (IV.02.A.3)

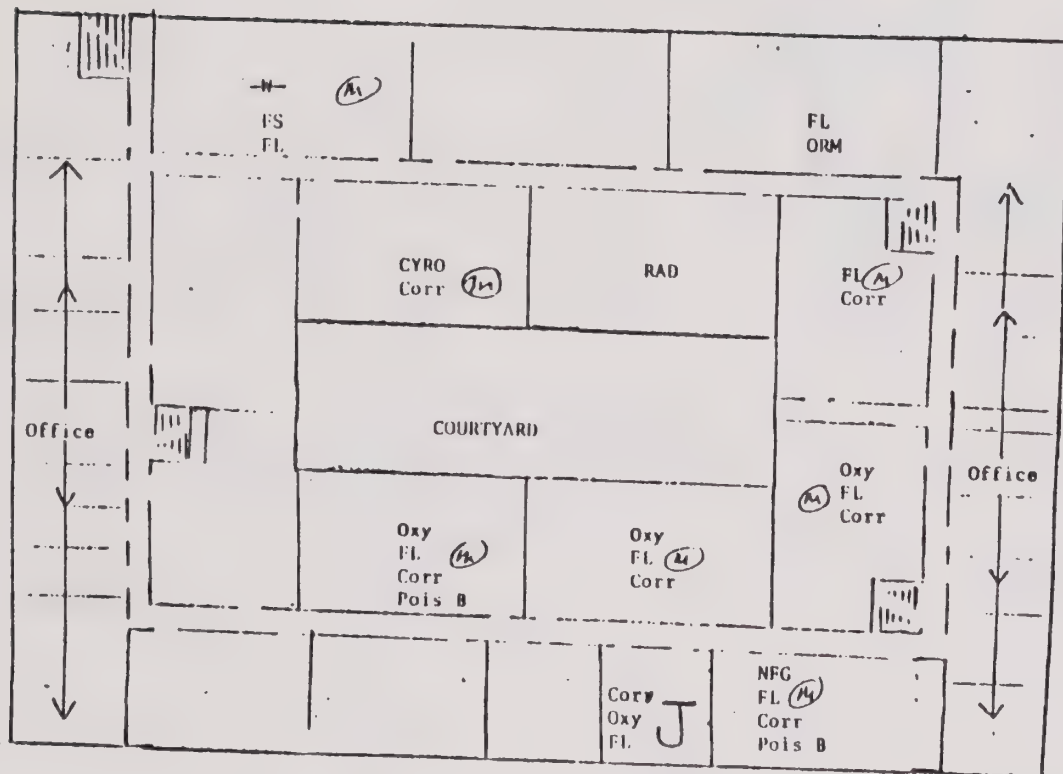
CONFIDENTIAL

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RESEARCH & DEVELOPMENT

BLDG #3

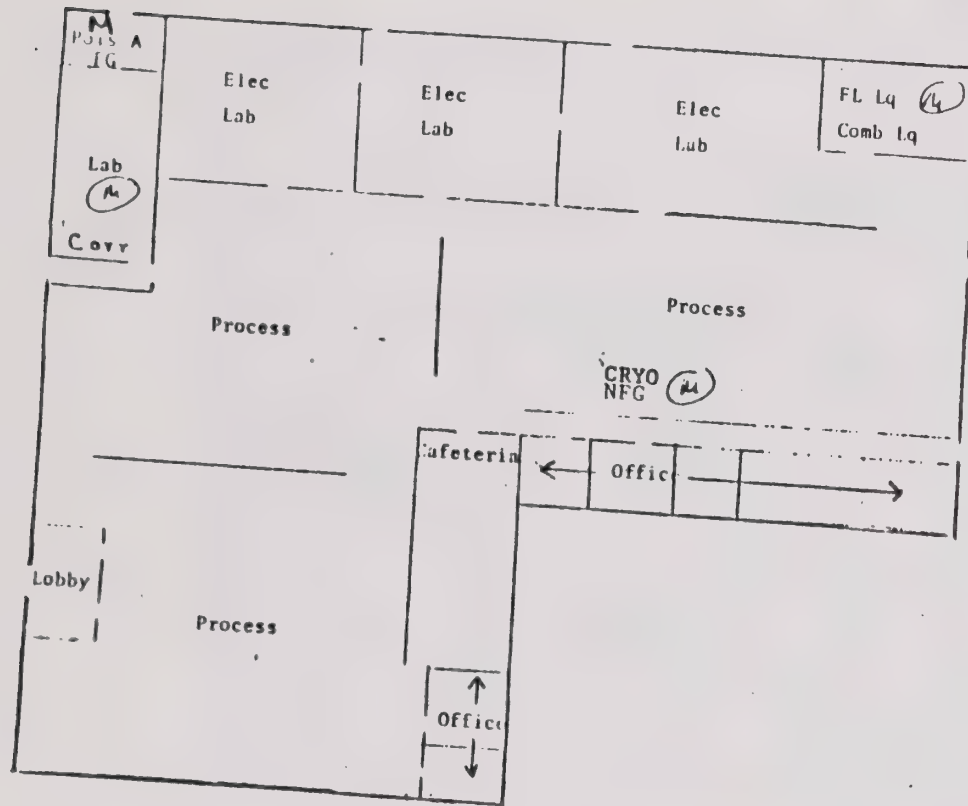
FLOOR 2



OCEAN ELECTRONICS
211 Seaside Road
FACILITY STORAGE MAP (IV.02.A.3)

CONFIDENTIAL

CONFIDENTIAL - Do Not Disclose



TESTING FACILITY

BLDG #4

OCEAN ELECTRONICS
211 Seaside Road
FACILITY STORAGE MAP (IV.02.A.3)

CONFIDENTIAL

STORAGE FACILITY MAP KEY

	<u>U.N. No.</u>	<u>Quantity Range</u>
<u>I. Permit Quantity Limit - 200 Gal.</u>		
<u>Chem. Stores - 1st Floor</u>		
<u>Corrosives</u>		2
Sulfuric Acid	1830	
Nitric Acid (80%)*	2031	
<u>Oxidizers</u>		
Nitric Acid (80%)*	2031	2
<u>Flammable Liquids</u>		1
<u>Poison A</u>		2
Trade Secret I		
<u>J. Permit Quantity Limit - 300 Gal.</u>		
<u>Chem. Stores - 2nd Floor</u>		
<u>Corrosives</u>		2
Assortment of many different corrosives for lab supplies. All less than 55-Gal each (most less than 10 Gal ea.)		
<u>Oxidizers</u>		1
Assorted, less than 55-Gal. each		
<u>Flammable Liquids</u>		2
Assorted, less than 55 Gal. each		

STORAGE FACILITY MAP KEY

	<u>Quantity Range</u>	<u>EPA Waste Code</u>
<u>K. Permit Quantity Limit - 1,500 Gal.</u>		
<u>Chem Waste</u>		
Heavy Metals - Sludge	2	F007
Toxic Solid Waste(Arsenic)	2	D004
Flammable Liquids	2	F003
Organic Solvents	2	F001

	<u>U.N. No.</u>
<u>L. Permit Quantity Limit - 300 Gal.</u>	
<u>Waste Neutralization Sump</u>	

Corrosives

Sodium Hydroxide Solution 1824
250 Gal. Tank

Acid Neutralization Sump
(Below grade) 50 Gal.

Note:

Automatic pH control discharged to municipal sewage lines, per municipal control.

	<u>U.N. No.</u>	<u>Quantity Range</u>
<u>M. Permit Quantity Limit - 800 Cu. Ft.</u>		
<u>Poisonous Gas (Pois A)</u>		
Arsine	2188	2
<u>Flammable Gas</u>		
Silane	2203	1

LEGEND

Exp A	EXPLOSIVE A
Exp B	EXPLOSIVE B
Exp C	EXPLOSIVE C
BA	BLASTING AGENTS
FG	FLAMMABLE COMPRESSED GAS
NFG	NON FLAMMABLE COMPRESSED GAS
Pois A	POISON GAS
FL	FLAMMABLE LIQUID
CL	COMBUSTIBLE LIQUID
FS	FLAMMABLE SOLID
W	WATER REACTIVE
RAD	RADIOLOGICAL
OXY	OXIDIZER
OP	ORGANIC PEROXIDE
ETI	ETIOLOGIC AGENTS
ORM	OTHER REGULATED MATERIAL

<u>QUANTITY</u> <u>RANGE NO.*</u>	<u>SOLID</u>	<u>LIQUID</u>	<u>GAS</u>
1	≤ 500 lbs	≤ 55 gal	≤ 200 cu ft
2	500 > X ≤ 5,000	55 > X ≤ 550	200 > X ≤ 2,000
3	5,000 > X ≤ 25,000	550 > X ≤ 2,750	2,000 > X ≤ 10,000
4	25,000 > X ≤ 50,000	2,750 > X ≤ 5,500	10,000 > X ≤ 20,000
5	50,000 > X	5,500 > X	20,000 > X

* Per Section IV.02.A.3.a.iii.

IV.02.C. H.M.M.P.

 MC

OCEAN ELECTRONICS
SEPARATION OF MATERIALS PLAN

STORAGE FACILITY:

- A Flammable liquids will be stored in three UL approved flammable liquid lockers on east side of room. Corrosives will be on west wall in four separate bermed off sections with epoxy coated concrete. One section will be sulfuric acid, one section will have phosphoric acid, one will have hydrochloric acid and hydrofluoric acid, and the fourth section will have sodium hydroxide and potassium hydroxide. The cryogenics and flammable gases will be on the south wall enclosed in a metal cage and secured with chains.
- B Nitric acid will be stored on the east side of the room and the perchloric acid and hydrogen peroxide will be stored on the northwest corner of the room.
- E Storage Facility "E" has four separate containment areas which are shown on the facility storage map. Each area has its own secondary containment, and the oxidizers/corrosive area is further separated by an internal berm separating the nitric acid from the other oxidizers.
- I The containers of sulfuric and nitric acid will be stored in separate polypropylene trays placed on the floor. The flammables will be stored in two flammable liquid lockers. The trade secret I material will be located in a UL approved self-venting metal locker (and vented to the roof).
- J Corrosives will be stored in three UL approved metal cabinets with polypropylene trays protecting the shelving and separate lockers will be used for caustics and acids. Only one specific material will be on each shelf. The oxidizers will be on permanent shelving against the wall, and the flammable liquids will be in two flammable liquid lockers.
- K Storage Facility "K" will have four separate secondary containment sections. These will be 1' X 6" deep trenches leading to separate sumps. There will be one section each for the heavy metal sludge, the toxic solid waste, the flammable liquids, and the organic solutions.

IV.02.D. H.M.M.P.

MC

OCEAN ELECTRONICS
MONITORING PLAN

STORAGE FACILITY:

- A Daily Visual Inspection
- B Daily Visual Inspection
- C Location - Manufacturing Building #2 - North Side - 40' West of Shipping Area
 Exit Door
 Type - Steel
 Manufacturer - Unknown
 Monitoring - Bi-Annual - Ground Water Test and Vapor Test
- D Monthly Visual Inspection, 5-Year Hydrostatic Test
- E Daily Visual Inspection
- F Daily Visual Inspection
- G Daily Visual Inspection
- H Daily Visual Inspection
- I Daily Visual Inspection
- J Daily Visual Inspection
- K Daily Visual Inspection
- L Audible Alarm
- M Daily Visual Inspection

All exterior storage will be included as part of daily security guards route around the facility.

All minimal storage facilities will be inspected when used by lab personnel.

A bi-annual storage facility review will be done by a Health Safety Engineer of storage facilities A-M and all minimal storage facilities. The report of the bi-annual review will be signed by, and the responsibility of the Facility Engineer or appropriate supervisor.

IV.02.E H.M.M.P.

MC

VISUAL INSPECTION LOG

[illegible]

IV. Q2.E - RECORDKEEPING

(Sample FOIA'd)

Permit Number _____

TESTING LOG

[illegible]

IV. 02.E - RECORDKEEPING

(SAMPLE FORM #3)

RECORDABLE DISCHARGE LOG

PERMIT NUMBER _____

[illegible]

Name: Ocean Electronics
 Address: 211 Surfside Road
 Date: November, 1982

SAMPLE HAZARDOUS
 MATERIALS INVENTORY
 STATEMENT per

OCEAN ELECTRONICS
 FACILITY INVENTORY

V.02

M.C.

D.O.T. Class	UN, NA# or E.P.A. Waste Code	Chemical Name or Major Constituents in a mixture	Common/Trade Name and Manufacturer	M.S.D.S.	Quantity Range
F.G.	1001	Acetylene			2
	2183	Arsine			2
	1911	Diborane			2
	2189	Dichlorosilane			2
	1049	Hydrogen			3
	2199	Phosphine			2
	2203	Silane			2
Pois A (Poison Gas)	2188	Arsine			2
	---	Arsenic Pentafluoride			2
	1008	Boron Trifluoride			2
	2189	Dichlorosilane			2
	1911	Diborane			2
	2199	Phosphine			2
FL	1090	Acetone			3
	1115	Benzene			2
	1219	Isopropanol			3
	1193	Methyl Ethyl Ketone			2
	1230	Methanol			2
	1294	Toluene			2
	1307	Xylene			2
	1998	Non Chlorinated Solvents	Paint Stripper XYZ- Chemcharge		2
	1307	Xylene	Resist Rinse -- Downey		2
LPG	1978	Propane			4

Name: Ocean Electronics
 Address: 211 Surfside Road
 Date: November, 1982

FACILITY INVENTORY

D.O.T. Class	UN, NA# or E.P.A. Waste Code	Chemical Name or Major Constituents in a mixture	Common/Trade Name and Manufacturer	M.S.D.S.	Quantity Range
CL	1123	N- Butylacetate		✓	2
	2265	Dimethyl formamide		✓	2
	1223	Kerosene		✓	2
	1993	Diesel		✓	2
	1998	Not available	Stoddard Solvent/ Resist Developer-- Bickman Labs	✓	2
	1223	Kerosene	Flam-ol--Sheefer Chemical		2
FS		Small amounts			NA
OXY	1444	Ammonium Persulfate		✓	2
	2031	Nitric Acid	80%	✓	2
	2015	Hydrogen Peroxide		✓	2
	1873	Perchloric Acid		✓	2
	1490	Potassium Permanganate		✓	2
Pois B	1689	Sodium Cyanide	Gold-X trak -- Homestead Manufacturing	✓	2
	1680	Potassium Cyanide			2
Corr	2672	Ammonium Hydroxide		✓	2
	1789	Hydro Chloric Acid		✓	3
	1790	Hydro Fluoric Acid		✓	2
	1830	Sulfuric Acid		✓	2
	1805	Phosphoric Acid		✓	3
	1789	Hydrochloric Acid	Metal Etch X - Pismo Chem	✓	2
	1755	Chromic Acid		✓	2
	2790	Acedic Acid		✓	2
	2031	Nitric Acid	80%	✓	3
	1824	Sodium Hydroxide		✓	2
	1814	Potassium Hydroxide		✓	2
		Phosphoric		✓	2

Name: Ocean Electronics
 Address: 211 Surfside Road
 Date: November, 1982

FACILITY INVENTORY

D.O.T. Class	UN, NA# or E.P.A. Waste Code	Chemical Name or Major Constituents in a mixture	Common/Trade Name and Manufacturer	Σ M.S.D.S.	Quantity Range
ORM-A	2831	1,1,1 Trichloroethane		✓	2
WASTE	F007	Copper, Zinc	Heavy Metal Sludge		2
	D004	Arsenic	Toxic Solid Waste		2
	F003	Acetone	Flammable Liquids		2
	F001	Trichloroethane	Organic Solvent		2
			Trade Secret - I (Confidential)	✓	2

CAUTION: This form must be
submitted under separate cover to
_____ (official).

V.04.C.3

_____ MC

CONFIDENTIAL

TRADE SECRET FORM

TRADE Secret - I

D.O.T.	Chemical Name	Range
Poison A	Nickel Carbonyl	2

nickel carbonyl (nickel tetracarbonyl) $\text{Ni}(\text{CO})_4$. A zerovalent compound. The four carbonyl groups form a tetrahedral arrangement and are linked covalently to the metal through the carbons.

Properties: Colorless liquid. Soluble in alcohol and many organic solvents; soluble in concentrated nitric acid; insoluble in water. Sp. gr. 1.3185; f.p. -19°C ; b.p. 43°C ; vapor pressure, 400mm at 25.8°C .

Derivation: By passing carbon monoxide gas over finely divided nickel.

Grade: Technical.

Containers: Cylinders pressurized with carbon monoxide.

Hazard: Highly toxic. Explodes at 60°C (140°F). Flammable, dangerous fire risk. Tolerance, (as Ni), 0.05 ppm in air. A known carcinogen (OSHA).

Uses: Production of high-purity nickel powder by Mond process (q.v.); continuous nickel coatings on steel and other metals.

Shipping Regulations: (Rail) Flammable Liquid and Poison labels. Not acceptable passenger. (Air) Not acceptable.

For more information please refer to:

1. M.S.D.S. which is provided.
2. OSHA Carcinogen Reporting Form

(ALTERNATIVE NUMBER III)

TRADE SECRET - WAIVER OF LIABILITY FORM

_____ (permittee or permit applicant)
hereby agrees to release and hold harmless the City of Sunnyvale,
its officers, employees and agents from and against any and all
liability for any damages which may arise from the failure by the
City of Sunnyvale, its officers, employees and/or agents to protect
from disclosure to any person, corporation, or entity, any and all
trade secrets which said permittee or permit applicant is submitting
to City, or may, in the future, submit or disclose to City, in
connection with its application for a hazardous materials storage
permit, or in connection with any hazardous materials storage permit
granted or to be granted by City. Such waiver of liability shall
apply whether the disclosure by City, its officers, employees and/or
agents, is negligent or willful.

Dated: _____

Name of Applicant or Permittee

By: _____
Signature

Title

MC

PERMIT NUMBER

SAMPLE PERMIT
CITY OF SILICON VALLEY

Hazardous Materials Storage Permit

FACILITY:	Ocean Electronics	
ADDRESS:	211 Surfside Road	TELEPHONE: 408-333-0000
NAME PERMITTEE:	Harry Smith	TELEPHONE: 408-333-0000 X436
	DATE OF ISSUE:	11-15-83
	EXPIRATION DATE:	11-15-88

TERM: X FULL PROVISIONAL TEMPORARY

I. STORAGE FACILITYPERMIT QUANTITY LIMIT

A.	Corrosive + Flammable Liquid	1,000 Gal
B.	Corrosive + Oxidizer	500 Gal
C.	Combustible Liquid UG Tank	500 Gal
	D. LPG Tank	0,000 Gal
E.	Flam Liq, Corr, Oxy, ORM	5,000 Gal
E.	(Con't) Flam Gas, Non-Flam Gas,	
	Poison A; Poison B	1,500 Cu Ft; 1,500 lbs
F.	Cryogenic Tank	2,000 Gal
G.	Cryogenic Tank	1,500 Gal
H.	Cryogenic Tank	800 Gal
I.	Corr, Oxy, Flam Liq.,	200 Gal
J.	Corr, Oxy, Flam Liq.,	300 Gal
K.	Waste	1,500 Gal
L.	Corr (Neutralization Sump)	300 Gal
M.	Pois A, Flam Gas	800 Cu Ft

II Minimal Storage Facilities

Up to 40 Cabinets; Up to 10 Other (ex. shelf; closets, etc.)

Signature of Issuing Authority

Date

VIII.08.B ADDITIONAL APPROVALS: CLOSURE PLAN

MC

The closure plan must be submitted not less than thirty (30) days prior to termination of hazardous materials storage at the facility.

SAMPLE
FACILITY CLOSURE REQUEST

Permit Number

Date of Application

FACILITY: Ocean Electronics

ADDRESS: 211 Seaside Road TELEPHONE: 408-333-000

FACILITY TO
BE CLOSED: Storage Area "A"
500 Gallon Underground Tank

MATERIALS
STORED: Diesel Fuel

DATE OF
CLOSURE: 6-15-83

CLOSURE
PLAN:

1. The tank will be emptied by Solvent Removal Inc.
2. The tank and associated piping to be removed from ground under permit from the Fire Prevention Bureau
3. Any evidence of leakage will result in clean-up and recovery of any discharged materials in a manner approved by Regional Water Quality Board.
4. The hole will be backfilled, compacted, and paved over with asphalt.
5. The monitoring well will be closed in accordance with the requirements of the Santa Clara Valley Water District.

Signature of Responsible Permittee

Printed Name of Responsible Permittee

DRAFT

MAY 11, 1983

PETROLEUM PRODUCT GUIDELINES

III.01 Containment of Hazardous Materials

_____ MC

The following guidelines serve as examples of design and construction of storage facilities which ordinarily will result in a suitable manner of storage of petroleum products. These guidelines are not intended to preclude alternative designs or technological advances. They are to be applied as appropriate in order to meet the intent of the ordinance.

The application of underground petroleum storage facility guidelines should include the portions of all properties where petroleum products used as motor fuels are stored and dispensed from fixed equipment into the tanks of motor vehicles. This would include private systems as well as retail sales outlets. It is important to apply effective monitoring and construction features together in a comprehensive program to effectively achieve the intent of the Hazardous Materials Storage Ordinance.

III.02B Monitoring - Underground Petroleum Storage

_____ MC

The intensive monitoring described in this guideline is intended to better secure the purpose and general obligation of this chapter.

A. Monitoring is to be accomplished by a combination of:

1. Inventory control; and
2. A device or means capable of detecting long term slow leakage from a tank system.

B. Inventory Control

Inventory control is a required system currently existing in Uniform Fire Code, National Fire Protection Association and Environmental Protection Agency regulations. At a minimum, accurate inventory control records should be:

1. Maintained and reconciled by the operator on all flammable and combustible liquid storage tanks for indication of possible leakage from tanks or piping.

2. Maintained separately for each product system
3. Made available for inspection by the enforcing authority
4. Retained for a minimum of 12 months

The inventory is to be based upon the following factors:

1. Inventory on hand based upon actual daily measurement and recording of tank levels. The measurement can be accomplished by gauge, gauge stick, or readout from an automated gauging system.
2. Daily recording of actual sales (where applicable)
3. Daily use (where applicable)
4. Product delivery receipts

Note: The inventory records shall include a daily computation of gain or loss. The mere recording of meter readings, sales or use, physical measurement and product delivery receipts would not constitute adequate inventory records.

EXAMPLE OF INVENTORY RECORD INFORMATION
BASIC DAILY GASOLINE INVENTORY RECORD

Date _____

<u>Product</u>	Stick Or Gauge Reading Opening Physical Inventory	Meter Reading Sales (-) (+)	Delivery Receipts (=)	Inventory (+) Balance (-)	Closing Physical Inventory	Over (Short)
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
<u>Total</u>	_____	_____	_____	_____	_____	_____

Signature of Person Recounting Inventory

III.03.B Monitoring Methods - Underground Petroleum Storage

MC

A. Monitoring Wells

1. Monitoring wells can be an acceptable means of monitoring the site for long term, slow leakage. These wells can be either a liquid or vapor monitoring well.
2. Installation of these wells is to be in conformance with the requirements of Santa Clara Valley Water District Ordinance 75-6 and of any other governmental agency having jurisdiction.

B. Sampling From Monitoring Wells

1. Should occur every 30 days from a monitoring well and the results recorded and maintained on site in accordance with the requirements of the ordinance.
2. Liquid Sample
 - a. Monthly - Checked for sheen or odor
3. Vapor Sample
 - a. Monthly - Sampled for presence of combustible vapors

III.03.C. Alternative Monitoring Methods - Underground Petroleum Storage

Existing underground petroleum pressure piping would be required to be retrofitted with approved leak detection devices.

VI.01.A.2 Reporting of Unauthorized Discharges

MC

- A. Suspected unauthorized discharges shall be reported in accordance with Section VI.01 of the ordinance requirements.
- B. Confirmation of unauthorized discharges and investigative steps utilized in identifying the source of such discharge should be in accordance with a logical, sequential process such as that outlined in American Petroleum Institute Standard #1628 "Under Ground Spill Clean-Up Manual", or National Fire Protection Association Standard #329 "Handling of Underground Leakage of Flammable and Combustible Liquids".

III.02.C Containment Requirements - New Storage Facilities - Underground Petroleum Storage

MC

When intensive monitoring is being conducted in accordance with the guidelines, any of the following may ordinarily be utilized:

A. Underground Tanks

Any of the following methods will normally suffice to meet the ordinance standard.

1. Vaulted construction
2. Double - wall tanks
3. Flexible lining of excavation
 - a. Care should be taken during installation of a flexible liner to insure that the excavation is free of material such as rocks which will damage the native soil side of the liner or that the liner has an appropriate bedding material between the liner and native soil in order to prevent damage.
 - b. The entire excavation is to be lined.
 - c. Monitoring tubes should be protected from fill material intrusion by mesh or appropriate filter fabric wrap.
 - d. Where the excavation extends below the water table, a flexible liner may be used if the method of securing the liner and the tank has been certified in accordance with Section I.05.

B. Underground Piping

1. Pressure piping is to be equipped with an approved leak detection device.
2. All leak detection devices are to be tested annually to insure operation in accordance with the manufacturers specifications. Replacement is required if the unit fails in-service or fails to meet manufacturer's performance specifications.
3. The entire containment trench is to be lined. A flexible lining may be substituted for the reinforced concrete shown in Diagram 4.

III.03E Replacement of Existing Underground Petroleum Storage Facilities

MC

- A. In determining the necessity for replacement of facilities pursuant to Section III.03.E. in the case of an unauthorized discharge the enforcing authority should consider:

1. The cause of the unauthorized discharge, ie; an insufficiently tightened coupling can be addressed as a minor repair without major upgrade.
2. The scope of the discharge problem, ie; replacement of piping would require new construction standards for the piping but if tanks could be demonstrated to be intact and monitorable, they would not be required to be secondarily contained solely because of a discharge involving the piping.
3. For _____ years from the adoption of this ordinance, secondary containment will not be required when an existing tank which has been shown by pressure testing, ultra sonic scan and/or other tests to be suitable for repair, is repaired, one time only, with an internal coating process. The internal coating process must be applied in accordance with the following standards:
 - a. The standard installation testing requirements for underground storage tanks specified in Section 2-7.3 of the Flammable and Combustible Liquids Code, adopted by the National Fire Protection Association on November 20, 1981 (NFPA 30-1981), and published in the 1982 edition of the National Fire Code.
 - b. The material used to repair the tank by an interior-coating process is compatible with the motor vehicle fuel that is stored, as determined by a nationally recognized testing laboratory.
 - c. The material used to repair the tank by an interior-coating process is applied in accordance with nationally recognized engineering practices.
4. The internal coating process may be reapplied within a _____ period as part of the warranty commitment of the tank servicer without being considered to be a second internal coating process.

BULK STORAGE FACILITIES GUIDELINES

III.01 Containment of Hazardous Materials-Pipelines

_____ MC

Interstate and Intrastate piping transporting petroleum products are subject to the Federal Pipeline Safety Act of 1979. The State Pipeline Safety Act, Government Code Section 51010 et. seq., which was instituted in 1981, requires the State Fire Marshal to implement pipeline safety regulations within the State of California. Therefore this area of regulation is pre-empted. The terminal or bulk facilities which these lines supply are, however, subject to this ordinance.

III.02.B Monitoring - Bulk Storage Facilities

MC

A. Tanks. Visual inspection of tanks should be conducted as follows:

1. The entire facility should be visually inspected for leakage on a daily basis.
2. If it cannot be demonstrated that the bottom design of the tank(s) and the foundation upon which they are placed were designed to force materials leaking from the bottom of tank to the sides where they can be visually monitored, a means of determining leakage will have to be demonstrated.
3. Close visual inspection of the exterior surface and seams of tanks should be performed at a minimum of every third year.
4. When change of product requires draining and cleaning of a tank, an interior inspection should be performed to monitor for deterioration of the tank prior to refilling.

B. Piping

1. Aboveground

- a. Visual inspection of all aboveground piping should be conducted on a daily basis.

2. In-ground

- a. If the piping is contained as indicated in the construction portion of this guideline, visual inspection of all piping run areas should be made daily with care given to observe:
 - 1) Saturated backfill in trenches
 - 2) Pooling around valve bodies
 - 3) Special attention should be given to areas where piping penetrates or passes over secondary containment dikes.

3. Inventory reconciliation should be performed in addition to visual or mechanical monitoring.

III.02.C New Storage Facilities - Secondary Containment - Bulk Storage Facilities

MC

A. Tanks

1. The containment standards required in National Fire Protection Association Standard #30 and the Uniform Fire Code are appropriate for bulk aboveground storage. Where these standards are met, Sections III.02.C.2.b,c, and d may be modified.

2. Where soil composition is such that compaction will not achieve the goal of discharge containment until clean-up is accomplished the soil must have a substance introduced such as clay or bentonite. This would be installed at a depth below anticipated buried pipe installations.

B. Pipes

1. Where compaction is utilized within a diked area to obtain satisfactory containment all buried pipe shall:
 - a. Not be at a depth greater than the compacted zone.
 - b. Not have the fill which is returned to the trench compacted to the degree that monitoring as described in the monitoring portion of this guideline is precluded.

C. Filling Racks

4. When a filling rack is utilized in conjunction with a bulk facility. A sump or suitable collection area would serve as secondary containment for the filling rack..

III.06 Maintenance, Repair, Replacement - Bulk Storage Facilities

MC

- A. Because it is common within bulk terminals to change or reroute piping for maximum utilization of tankage or customer needs, the following should occur:
 1. The Hazardous Materials Management Plan should define the permittee's reporting responsibilities for changes made within the above parameters.
 2. The enforcing authority can give pre-approval of modifications under the Hazardous Materials Management Plan and require after the fact notification of on-site changes which do not:
 - a. Introduce a new material to the inventory
 - b. Require expansion of secondary containment facilities
 - c. Penetrate or detract from secondary containment or monitoring facilities.
 - d. Change facility design or maintenance in a manner which materially affects the facility's potential for discharge.

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